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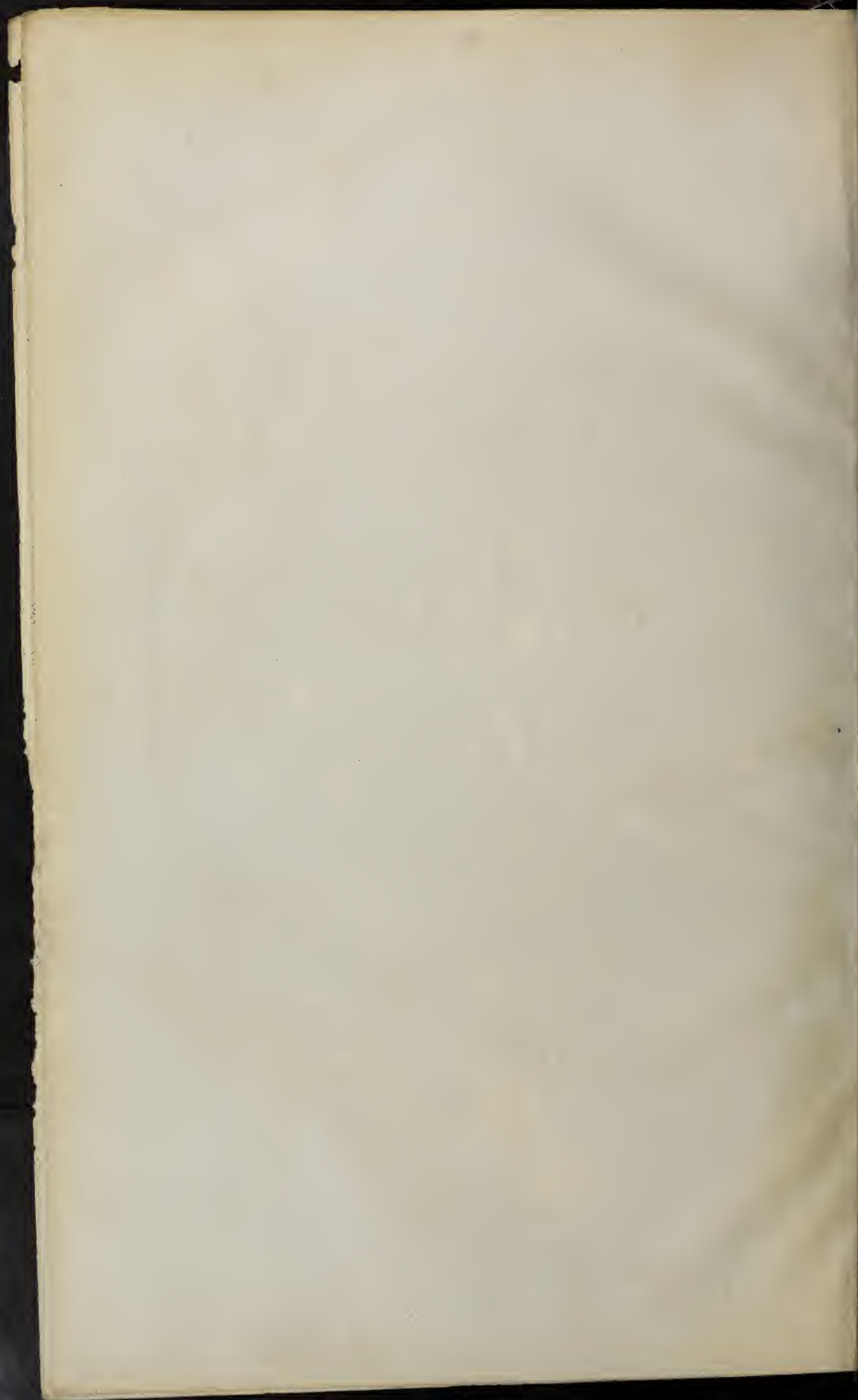


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**SPECIAL COMMISSION ACT, 1888.**

ROYAL COURTS OF JUSTICE,  
PROBATE COURT, No. 1,  
Tuesday, 2nd July 1889.

(*Sir C. Russell.*) Your Lordships are aware that Mr. Michael Davitt appears for himself. He has asked me to examine him in chief, and for your Lordships' convenience I will do so.

(*The President.*) Yes, that will be convenient to us all.

Mr. MICHAEL DAVITT, ~~M.R.~~, sworn; examined by Sir C. RUSSELL.

86,483. You are aware that you were not originally included as one of the persons against whom the “Times” sought to establish any charges in this case?—Yes, I am aware of the circumstances.

86,484. What age are you now?—I believe I have turned 41.

86,485. You, I think, are the son of a Mayo peasant?—A small tenant-farmer of Mayo.

86,486. I think you heard the account I gave of the early incidents of your life and your father's eviction?—Yes.

86,487. And those were correct?—Yes, I remember distinctly the eviction—the cottage being set fire to and we having to go to a workhouse, from the doors of which establishment we were turned, because my mother refused to part with me for the purpose of prosylitism.

86,488. You then with your parents lived in Haslington for some time?—Yes, we went to England shortly after the eviction and took up our residence in Haslington.

86,489. I think when almost a child you were employed as a factory hand?—Yes, we were very poor, and I went to work in a mill when I was nine years of age, and I remember one day being kicked across the floor of the factory, and put to work that a boy of 18 ordinarily performed, and at that work I lost my arm.

86,490. Do you recollect the beginning of the Fenian movement?—Yes, in 1885, my memory does not go back further.

86,491. In 1865?—I beg your pardon. In 1865 my memory does not go back further in personal experience of the history of the Fenian movement than the year 1865. I may be allowed to remark that my parents were strongly Nationalists, and they encouraged me to join the Fenian movement.

86,492. They dwelt upon their troubles in Ireland, and spoke a great deal of them to you?—Yes.

86,493. At the time you joined the movement, you were, I think, about 17 years of age?—About 17.

86,494. You know more about it now probably than you knew then, but you knew that movement began to arise after the collapse of the effort to establish an independent Parliamentary party in the House of Commons?—Yes, after the movement headed by—

86,495. Headed by Lucas and Duffy?—Headed by Lucas, Duffy, Crawford, and Sir John Gray. They had endeavoured to get some redress for the Irish tenants by work, by labors in the House of Commons, and by holding meetings in Ireland, and they did not succeed.

86,496. As we have heard, that Fenian organisation was an oath-bound organisation?—Yes, it was an oath-bound society.

86,497. Who was supposed to be the head of this society in 1866?—James Stephens.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,498. I wish to ask you what that oath in fact was?—In substance it was this. The persons initiated were to bear true allegiance to the Irish Republic virtually established, to take up arms when called upon, to achieve the liberty of Ireland, to obey implicitly the orders of ~~his~~ superiors; and to submit to expulsion for the disobedience of those orders. I think that is the substance of it.

86,499. Is it true that part of the oath was pledging members to assassinate persons who were traitors to the cause or left the cause?—No, there was nothing of that kind in the oath—in fact, as is well known now James Stephens and the leaders of the Fenian movement were strongly opposed to even the assassination of traitors.

86,500. I am obliged to ask you briefly as to matters in which you were personally concerned. Do you recollect what was known as the attempted raid on Chester Castle in 1867?—Yes, I took part in that raid.

86,501. I think you were then living in Lancashire at a place called Haslington?—*de/* Yes. I was the only volunteer from the place.

86,502. That raid, as one might have anticipated, was abortive, and you returned to Haslington?—Yes, information had been given to the Government by one John Joseph Corydon, and the authorities took the necessary precaution, and the men who went there returned back again.

86,503. That is quite enough for the present purpose. I may just in reference to that ask you when you were ~~presented~~ at the Old Bailey you were not ~~presented~~ for taking part in that raid?—No, that charge was not brought against me.

86,504. I will ask you a question about that presently. Beyond that were you concerned in the forwarding of arms to Ireland?—I was.

86,505. I believe they were seized upon their arrival in Dublin?—I think every one of them.

86,506. Information had been given by some person?—I think the police authorities in Leeds, from which place I sent the arms, knew that they were going, and took precaution to have them seized in Dublin.

86,507. When was that, Mr. Davitt?—That was early in 1870. A few months before my arrest.

86,508. Now, you were arrested, I think, on the 14th May 1870?—On the 14th May, here, in London.

86,509. And tried at the Old Bailey on the 11th July on the charge of treason-felony?—Yes.

86,510. And sentenced to 15 years penal servitude?—Yes; 15 years.

86,511. You have already told me that this question of the raid upon Chester was not given in evidence against you at that trial; was this forwarding of arms?—Yes.

86,512. And was this man Corydon there also?—He was produced as a witness against me.

86,513. In reference, I think, to an alleged meeting planning an insurrection at Liverpool?—Yes.

86,514. As a matter of fact, did you attend such meetings at all?—I was not there at all.

86,515. Or had you ever seen Corydon until you saw him in the box?—I never saw him in my life until he confronted me in the box at the Old Bailey.

86,516. Now, do you recollect a letter being produced against you at that trial which you had written to some one in Manchester?—I do.

86,517. And which, it was alleged, suggested complicity in the assassination of some one in Manchester?—Yes, and that letter, I must say, made a very strong impression upon the Lord Chief Justice who tried me, and had a great deal to do with my receiving a very severe sentence.

86,518. Now you have already, I believe, given public explanation before, but perhaps my Lords would think it fair that you might be allowed to give it now. As a matter of fact, were you any party, directly or indirectly, to instigating to assassination?—I deliberately and conscientiously swear I was not.

86,519. So far from the letter which was in question being in that direction, was your aim something entirely different in writing?—My object was to prevent what I thought might lead to the assassination of an individual.

86,520. By some young man?—By a young man then 18 years of age.

*then**de/**prosecuted**presented*



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,521. As a matter of fact had your letter the effect of preventing it?—Well, inasmuch as no crime of that kind was committed, and as ~~this~~ young man was arrested in Liverpool, and this letter found upon his person, and he was only bound over to keep the peace for two years, I think that is proof that no one ever suffered as a consequence of that letter. I should be very sorry if anyone did.

86,522. Now I think you remained in penal servitude for a period of close upon nine years?—Seven years and seven months on the first occasion.

85,523. I will come to that in a moment. The first period was about seven years and seven months, was it?—Seven years and seven months.

89,524. That would bring you to the 19th of December 1877; see if that is right?—The 19th of December 1877.

86,525. That is what I wanted to get. I think you were then released on ticket-of-leave, that is so, is it not?—By the Tory Government.

86,526. By the Government of the day—Lord Beaconsfield's Government—you are aware. I may ask you incidentally of there being a separate movement in Ireland for obtaining an amnesty on the prisoners who were situated like yourself?—Yes, I learnt that on my release that Mr. Butt, Mr. O'Connor Power, and Mr. Parnell were endeavouring to get an amnesty for the remaining political prisoners.

86,527. And you are aware that in that movement a great many people who were not active politicians joined?—Oh, yes, a large number of people who were not even Nationalists, but sympathised with the cause of amnesty.

86,528. Now you were released in 1877, but still continued to be, I understand, during this period, and after your release, a member of the Fenian organisation?—I rejoined almost immediately after my release.

86,529. And I think that after your release you delivered a number of lectures?—Yes, here in England and in Scotland, with the view of calling public attention to the case of the remaining Fenian prisoners.

86,530. I think you were afterwards called upon, I am not sure whether upon more than one occasion, to give evidence of your experience with a view to the modification of prison discipline?—Yes; I was invited by Lord Kimberley, he was Acting Chairman of a Commission in 1878, to give evidence with respect to the working of the Penal Servitude Acts.

86,531. That has resulted, or at all events the Committee has resulted, in considerable modification of the prison rules?—I think so. I learnt that when I was sent back to penal servitude afterwards. The food of the convicts was increased a little.

86,532. It is not very material. I should like to ask you, you have told my Lords that you rejoined the Fenian organisation when you came out. During the time you were in prison you had leisure for thinking over these things, and pondering over the situation, had your views altered in respect of the Fenian organisation?—Yes, to this extent, I felt that while nature had pretty well qualified Irishmen for agitation she never intended them to be successful conspirators, and I made up my mind that secret conspiracy could do no good whatever for Ireland, and I rejoined the movement for the purpose of trying to convert it into a movement of open and constitutional action.

86,533. [Why did you say you thought the Irish people were not fitted to be conspirators?—Well, I think I cast no reflection upon them in saying that.

86,534. No?—But I know from my intimate knowledge of the Irish people, and the fact of my being a Catholic, that the vast majority of the Irish people would always be opposed to secret societies through the opposition of the Church; the strenuous opposition of the Irish bishops and priests.

86,535. And that has always been the uniform attitude of the bishops and priests towards secret societies?—Oh, yes, always, both in Ireland and America.

86,536. Now you have stated the altered attitude of your mind in this matter, and your endeavouring to win the Fenian organisation to open constitutional action. I will ask you this general question: Have you honestly, whether your steps have always been discreet, or your utterances always wise, have you honestly always had that object in view since your release?—Undoubtedly; and that action of mine has more than once caused men who were associated with me in the old movement, to attack me.

86,537. And denounce you as a traitor?—And denounce me as a renegade.

86,538. Has your life been more than once imperilled because of the attitude you have taken in that matter?—Well, I learnt—I do not know what amount of truth is in the story—that plots were —



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

*(The Attorney-General.)* Well!86,539. *(Sir C. Russell.)* Well, at all events, information had been given you of plots?—Yes.

86,540. Now, with a view of giving effect to your altered views, tell us what steps you took?—I wish before I answer that question, with your permission, Sir Charles Russell, and the permission of the Court, to say that I do not believe that the Fenian organisation or any branch of the Fenian organisation would resort to any such measure against me.

86,541. You think it would be merely individuals?—A few hot-headed individuals.

86,542. I was proceeding to ask you what in fact you did to give effect to your altered attitude towards Fenianism, and towards an open constitutional movement?—Well, wherever I went in Ireland, and in England and Scotland, and met old associates, I discussed with them the past failures of insurrection and semi-insurrection in Ireland, and laid my views before them in favour of a vigorous open movement in order to show the English people and the world that the Irish people were capable of governing themselves.

86,543. And with that view did you interview leading men both in England and in Scotland and Ireland, as well as in America?—I did.

86,544. In 1878, did you deliver a series of lectures in America in that direction?—I did.

86,545. I think at that time you did set forth some sketch of the land programme?—I set forth my own views about the land movement in Ireland in a lecture I delivered in Boston—I think in December 1878, to which some reference has been made in these proceedings.

86,546. Now, I think, you were at one time a member of the Supreme Council of the Fenian organisation, were you not?—I was.

86,547. Just tell me how many meetings of that Supreme Council you attended, and when?—I think two.

86,548. When and where?—In 1879, as well as I can recollect—one in Paris, and one in Dublin.

86,549. I will just ask you, so far as anyone in connexion with this case that is referred to, just tell me was there anyone concerned in this case present at either or both of those meetings, and if so, whom?—One—and I have got his full permission to mention his name—Mr. Matthew Harris. Could I obtain the permission of the others—though they were not at all connected with this inquiry—I would certainly mention their names, but as I have no means of getting that permission I feel bound in honour not to give them.

86,550. At all events, the name of anyone connected with this Inquiry, if put to you, you are prepared to answer?—Oh, it would be only what is due to the Commission that I should.

86,551. Now, I want in reference to this to ask you a question: May I refer your Lordships, that you may have it on the note (I do not propose to read it), to page 2773. I would just remind your Lordship of it; it is a communication from Devoy called the "New Departure"?

*(The President.)* Yes, I recollect it.*(Sir C. Russell.)* That will sufficiently put your Lordship in relation to it. Do you recollect the evidence in relation to that given during the examination of the man Beach, or Le Caron?—Yes, I do.

86,552. Was that ever submitted, as far as you are aware, to Mr. Parnell at all?—Never.

86,553. Or, as far as you are aware, acted upon by him?—As far as I am aware, no.

86,554. Do you, in fact, know to whom it was submitted?—It formed the subject of discussion at this meeting in Paris.

86,555. Which was a meeting of the Fenian organisation?—Of the Supreme Council of the I. R. B.

86,556. What I want to ask you is—the gentleman whom I am referring to is dead, and there is no reason his name should not be mentioned—was Mr. Kickham one of those gentlemen?—I had better tell you, Sir Charles, that this communication was sent by John Devoy on his own account to, I think, the late Sir Charles Kickham, asking him to submit it to Mr. Parnell, and Mr. Kickham told me afterwards that he



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

never forwarded the message—he did not himself approve of the proposal—and it was never forwarded.

86,557. I may take it shortly as the result of that,—the immediate result of it,—this suggestion got into the papers, and was published, I think, in the "Freeman"?—I think so; or it was published in the "New York Herald," and then got into the papers over here.

86,558. What was the attitude of the "Irishman" at that time, in consequence of the suggestion of Devoy?—It opened a ~~lot~~ <sup>better</sup> attack upon myself and upon John Devoy, for what it called his demoralising new departure. It was then the reputed organ of the revolutionary movement in Ireland. *bif*

86,559. I may take it shortly—the Attorney-General can ask you if he desires more about it—the result was no concerted action was taken upon that, but each person was left to his own individual action?—None whatever. The Supreme Council at its meeting in Paris rejected the proposed new departure; would have nothing whatever to do with it, and that body never had anything to do with the subsequent land movement in Ireland.

86,560. I should like to ask you first, in point of date, the first of these two meetings, you say you attended of the Supreme Council, was in Paris?—Yes.

86,561. The subsequent one was, I think, in Dublin?—Yes, about six months after, as well as I recollect, in Dublin.

86,562. The same course was taken, each person was left to his individual action?—Yes.

86,563. Meanwhile had you been visiting the poorer districts of Ireland?—Yes; I did before this incident, and afterwards immediately on my release from prison I visited the West of Ireland, my native place, and I ~~believe~~ <sup>travelling</sup> through the whole of the province, and made myself acquainted with the social condition of the people. *travelling*

86,564. I want just to make one point clear. Up to the time at which you have now arrived, 1878, had all that you had done, either as to lecturing, interviewing, writing, speeches—had that been on your own individual responsibility without any concerted action with others?—Upon my own individual responsibility.

86,565. I wish now to ask you when first you were brought into personal contact with Mr. Parnell?—I think about two days after my release in 1877 here in London. Mr. Parnell had taken a kindly interest in me while I was in prison, and I sought him out to thank him, and Mr. O'Connor Power, and others, for the efforts they had made for my release.

86,566. Did anything further take place between you and Mr. Parnell on that occasion?—No.

86,567. When first did you come into relation with Mr. Parnell in reference to suggesting or beginning any political or agrarian movement?—As well as I can recollect it was on a journey down to Westport in, I think, June of 1879. I may have spoken to Mr. Parnell before that about my views on the land question, but I cannot remember accurately.

86,568. One thing I ought to make quite clear, I think I have already done so, had Mr. Parnell anything to do with your visit to America in 1878?—Nothing whatever. I went there to see my poor old mother, and to see my sisters.

86,569. Were you, Mr. Davitt, at the period which we have now reached, preparatory to this Westport meeting—I think that was in June 1879, was it not?—I think in June 1879.

86,570. Had you made yourself acquainted with the condition of the tenant class in Ireland?—I had.

86,571. Had you travelled through a great part of the country?—Yes, in company with a commercial traveller, a relative of mine, who probably knew more about the country and the people than any other person in the West of Ireland. We visited the homes of the people and inquired what their rentals were, we saw how they were housed, saw how slavish they were towards the landlords and the agent, and I resolved to do my best to change that state of things.

86,572. Was their condition an abject condition of misery or not?—Oh, yes, in parts of Mayo, down near where I was born myself, about Foxford and Swinford, the condition of the people was but one removed from poverty, and it is not much better to-day I am sorry to say. *9 1*



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,573. Was the housing bad?—Yes, wretchedly. Many of the houses in Mayo consist of but one apartment, all the domestic offices of life are carried out there, roofs badly thatched, clothing poor, food miserably poor, consisting chiefly of potatoes, and in seasons of distress, which unfortunately come periodically there, they fall back upon Indian meal, or the doles of charity.

86,574. Was meat known at all as a staple article of food in that part of the country?—Oh, no, very little bread eaten by the peasantry of Mayo.

86,575. Even bread?—Very little.

86,576. I was asking you about meat, butcher's meat?—Oh, meat; they may get a meal of meat at Christmas, beyond that I think their acquaintance with meat does not go.

86,577. Had you also studied the condition of the country with reference to its depopulation and clearance?—I had.

86,578. And the rises of rent?—I had.

86,579. Had some special instances of the rises of rent come under your notice that led to one of the earliest meetings that you attended?—Yes, in connexion with the very first meeting, the meeting at Irishtown. I learnt that the rent had been doubled in 1874 on a neighbouring estate, and it was in connexion with the peasants on that estate that the Irishtown meeting was held. I was in Claremorris, Mayo, near Irishtown in March, I think, of 1879; and a number of peasants from Irishtown came to see me, told me their story, and I there and then suggested a public meeting.

86,580. Did you inquire carefully into the story they did tell you so as to see that their complaints and alleged grievances were well founded?—Yes, I asked from intelligent men, well-informed men living in the neighbourhood.

86,581. I believe it was not a large estate?—Yes, a very small estate.

(The Attorney-General.) Can you give us the name of the estate?

86,582. (Sir C. Russell.) The Attorney-General wishes to know the name of the estate?—It was called the Burke estate.

86,583. The Rev. Jeffry Burke, I think?—The Rev. Jeffry Burke, and Mr. James Daley, who was the chairman of the Irishtown meeting, had been the agent of that small estate.

86,584. You are referring to, I think, the first Irishtown meeting?—I am referring to the first Irishtown meeting held on the 31st April 1879.

86,585. At the other meeting, which is the one I think my Lords will recollect as the Irishtown meeting you had arranged to be present?—At this first meeting I had intended to be present, but I did not attend. I wrote the resolutions and I invited the speakers, Mr. Brennan of Dublin, Mr. John Ferguson of Glasgow, who has been before their Lordships, Mr. O'Connor Power, and Mr. J. J. Londen, who was resident in the county.

86,586. Mr. O'Connor Power was then member for the county?—He was member for Mayo at that time.

86,587. And Mr. Londen was a member of the Irish Bar, and he lived in the locality?—Yes, lived near; he always had taken a deep interest in the tenant-farmers, and was an advanced advocate of land reform.

86,588. I may just ask you, as these names have been mentioned for the first time, to tell us what you know of Mr. Thomas Brennan?—I met Mr. Brennan for the first time after my release from prison in 1877; we became intimate friends, and I am glad to say that that intimacy continues to the present day. I met Mr. John Ferguson in Glasgow, where he was then and is now a most respected citizen. Mr. Londen I met for the first time on my first visit to Westport. Mr. O'Connor Power I knew when I was a boy, we were partly brought up together.

86,589. I may ask at this stage, as this was the beginning of the history of the agrarian movement, you have always belonged to the very advanced wing of the agrarian party?—Yes, I think Mr. Parnell is too conservative altogether on the land question, I believe the State should be the owner of the land.

86,590. I think the result of that meeting at Irishtown was to get some immediate relief for the tenants?—Yes, an immediate reduction of 20 per cent. was granted by the landlord as the result of the meeting.

86,591. I must ask you distinctly this, is it true to say that the agrarian movement started from that meeting, in fact began at that time?—Yes, the Irishtown meeting was the beginning of the subsequent agrarian movement.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,592. I just ask you whether it is true to suggest that Mr. John Devoy, Mr. Patrick Ford, or any American citizen had anything to do with that?—Absolutely nothing.

86,593. Nor had the Fenian organisation anything to do with it either?—Nothing whatever, but —

86,594. I presume individual members had?—Yes, local Fenians; there were not many of them in Mayo, I think. I think the farmers' and the farmers' sons took part in organising that meeting and subsequent meetings.

86,595. Except in that sense had the Fenian body anything to do with it?—Nothing whatever as a body, or as an organisation.

86,596. I think through the summer and the latter part of 1879 you had several other meetings on the same question, of the agrarian movement?—Yes, the meetings were confined almost entirely to Mayo until about August of 1879, then they spread into the county of Galway and Sligo, and went all over Ireland shortly after.

86,597. We have already had ample evidence about it, I therefore only ask you the general question, we have already heard that 1877 was not a good year, or 1878, and 1879 was a very bad year?—Very bad.

86,598. Had the normal condition of the people in the district you have mentioned, which you say was ordinarily low, got perceptibly worse in 1879?—Yes, very markedly, the shopkeepers of Mayo had given a great deal of credit to the tenants in 1878, and that credit was nearly exhausted in 1879. The distress became so intense that a relief movement was set on foot at the end of 1879, and a large amount of money was distributed, chiefly along the western seaboard.

86,599. I should like you to tell us if you please who defrayed the expense of organising that meeting, and generally the expense of the speakers, and so forth?—Well, I paid some of the expenses of the Irishtown meeting, I think Mr. Londen paid the whole of the expenses attending the Westport meeting, and with reference to the other meetings small subscriptions would be given by the better-to-do farmers. There were only a very few of them, and I helped to pay the travelling expenses of some of the speakers from Dublin. I did that out of the proceeds of a short lecturing tour I made while I was in America in 1878.

86,600. You yourself are a man of little expense, you live a simple life, and you have, I believe, supported yourself by your pen?—I have supported myself by literary work since my release from prison in 1877, and with occasional lecturing in the United States.

86,601. Do you recollect that towards the end of the autumn—not the end but the autumn of 1879, or somewhere about that time, you were getting pretty well towards the end of your resources?—Yes.

86,602. What steps did you take?—I wrote to personal friends in America whose acquaintance I had made on my first visit, John Boyle O'Reilly, the editor of the "Boston Pilot," the late Patrick Mahon, of Rochester, John Devoy, who was then on the "New York Herald," and Mr. William Carroll, of Philadelphia, and Mr. Patrick Ford.

86,603. Patrick Ford of the "Irish World"?—Yes, I represented to them that this movement had then been started, and promised to be a beneficial movement.

86,604. (*The Attorney-General.*) Have you got a copy of the letter Mr. Davitt?—I have not Mr. Attorney. I represented that my funds had been exhausted and I was anxious to go to America on another lecturing tour, and to explain what this agitation was, and what I thought it would do for the country.

86,605. (*Sir C. Russell.*) I should just like to ask you a question here about these people, I shall have to ask you a little later on about others. You say Mr. John Devoy was then on the well-known paper?—On the editorial staff of the "New York Herald."

86,606. Mr. Patrick Ford was editor of the "Irish World," what was Mr. Mahon, of Rochester?—One of the wealthiest and respectable dry goods merchants, *of that city*

86,607. At Rochester?—At Rochester; he is now dead.

86,608. And what was Mr. Boyle O'Reilly, and what was his attitude in reference to Irish politics?—Mr. Boyle O'Reilly had been with Mr. Patrick Collins, of Boston, leader of the Conservative National party in America, ~~and had been~~ a representative of the Conservative national sentiment in America.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,609. Is Mr. Boyle O'Reilly admittedly a respectable man?—He is one of the best known citizens in Boston, and is a man universally respected for his great accomplishments and his many admirable qualities.

86,610. What were the results of this appeal or request that you made?—The result was that I got a letter from, I think, Patrick Ford, saying that the trustees of a fund which had been known as the "skirmishing" fund, but which was then known as the national fund, had resolved to send me a sum of money in order that I might stay in Ireland, carry on this work of agitation, and not proceed to America. This was altogether unexpected, because I had not asked for any money whatever. Following that letter I got from Mr. John Devoy—

86,611. I do not quite follow you. You said you had not asked for any money whatever; I do not understand that?—I had not asked for any money to be sent to me by any individual, or from anybody in America. I simply asked that these gentlemen should help me, if I went out on a lecturing tour, to get some funds to keep this movement going in Ireland. Following the receipt of this letter from Patrick Ford came one from John Devoy with, I think, 200*l.*, and then there was a subsequent sum of 108*l.* or 208*l.* sent to me; altogether 408*l.*, I think.

86,612. I should just like to ask, in reference to that, before leaving it, had anyone but yourself to do with that application, or the result of that application, or was it entirely your own movement?—It was not an application for money, as I have already explained. No, no one had anything to do with it except myself; in fact Mr. Parnell did not know anything about it until half the money was paid back by myself.

86,613. I am going to ask you about that. Do you recollect its being announced in some portion of the press, adverse to the open constitutional movement, that you had received money?—Yes, I think O'Donovan Rossa heard of that money being sent, and he denounced the transaction. It was then made public that a sum of money had been sent to me in Ireland for constitutional purposes. I then wrote, I think to the late Patrick Mahon of Rochester, saying I would pay back the money out of my own pocket, and that ended the transaction. I paid back that money subsequently.

86,614. I believe you paid it in two instalments, one in December 1880, and the other some time after your release from prison in 1882?—In 1882.

86,615. I have not come to your being sent back to Portland yet?—A sum of money had been given to me by a relative of my mother in America, and after my release from Portland prison I immediately paid back the balance of the 408*l.*, and published the whole transaction in the American papers.

86,616. Did you publish the whole of the facts, or were the whole of the facts published in the "New York World" in an interview someone had with you in 1882?—Yes, the "New York Daily World."

86,617. That is not the "Irish World"?—No, it is now one of the most influential papers in the United States.

86,618. That is Mr. ~~Politzer's~~ paper, is it not?—William Henry Herbert was then the editor of the "New York World." I published the facts as I have stated them to you here. url

86,619. You were saying that Mr. Parnell knew nothing about these letters that you wrote to these four gentlemen named. When he did become aware of the fact that you had paid this out of your own pocket, do you recollect did he make any offer to you, he and Mr. Dillon, I think?—Yes, after he returned from America in 1880; he told me he had heard of this, that I had paid part of it, and he offered to give me the money, 408*l.*, out of the funds of the League, but I refused it. I resolved to pay it back myself, which I have done.

86,620. I want to know about the application of this money; how in fact had you used that money?—Well, I spent very little of it. I gave some of it away in charity in Carroe, on the seaboard of Galway, in 1879. I paid my own travelling expenses to the western meetings. I think I occasionally paid the travelling expenses of Mr. Matthew Harris and Mr. Thomas Brennan. I also distributed some literature by its aid.

86,621. In August 1879 did you organise the National League of Mayo, and the convention held at Castlebar on ~~November~~ 16th?—The National Land League, in conjunction with Mr. Loyden and, I think, Mr. John W. Walsh, of Balla, ~~and~~ Mr. Joseph P. Quinn and other personal friends and nationalists of Mayo.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,622. I think up to this time, or up to about this time, there had been in existence unrepealed an Act prohibiting conventions?—Yes, this Castlebar convention was the first held under the repeal of that Convention Act.

86,623. And I think you drew the declaration of principles and the constitution of that League?—Yes, I did.

86,624. (*Sir C. Russell.*) This is published in the "Freeman's Journal" of August 18th, 1879. It has not been read before?—No, it has not been read.

86,625. The declaration of principles I do not know that I need read. I think I may take it subject to the Attorney-General asking anything about it. It is in substance if not in form very much what was afterwards adopted at the Dublin Convention?—No, the programme of the Dublin Land League was drawn by Mr. Parnell, and differs very much from this.

86,626. You were for nationalisation, were you?—I think I had land nationalisation in my mind at the time, but I do not think I expressed myself very clearly in that declaration; but the rules and conditions of membership set forth in that document were not adopted in Dublin at all.

(*Sir C. Russell.*) Does your Lordship wish this read at this stage?

(*The President.*) You are the best judge of what it is material to read.

(*Sir C. Russell.*) My learned friend near me suggests that it must be read at some time.

(*The Attorney-General.*) It must be read at some time, my Lord.

86,627. (*The President.*) Is that the leading difference, Mr. Davitt, that you dwelt upon the nationalisation of the land?—No, my Lord, I do not think in that document I dwelt upon it, but the difference is that upon that occasion I wrote out the rules and conditions of membership, and that these rules and conditions formed no part of the programme of the Land League as drawn up by Mr. Parnell in the subsequent October.

(*Sir C. Russell.*) My learned friends wish it read, you had better read it now.

(*Mr. Asquith.*) [*Reading.*]

"(From the "Freeman's Journal," August 18th, 1879.)

"Land League Convention at Castlebar.

"A meeting in connexion with the land agitation in Mayo, the first convention of tenant farmers held in Ireland since the repeal of the Convention Act, took place at Castlebar, Saturday, August 16th, at Daly's Hotel, and was attended by representatives, delegates from all parts of the country.

"On the motion of Mr. James Daly, Castlebar, seconded by Mr. William Judge, Claremorris, the chair was taken by Mr. James J. Loudon, B.L., Westport."

86,628. Then there is a break?—I have left out the speeches in this document.

86,629. There were some proceedings?—Yes.

(*Mr. Asquith.*) [*Reading.*]

"Declaration of Principles. Michael Davitt then read the following document embodying the declaration of principles and rules of the proposed declaration.

"Declaration of principles.—The land of Ireland belongs to the people of Ireland, to be held and cultivated for the sustenance of those whom God decreed to be the inhabitants thereof. Land being created to supply mankind with the necessities of existence, those who cultivate it to that end have a higher claim to its absolute possession than those who make it an article of barter, to be used or disposed of for purposes of profit or pleasure. The end for which the land of a country is created requires an equitable distribution of the same among the people who are to live upon the fruits of their labour in its cultivation. Any restriction, therefore, upon such a distribution by a feudal land system, embodying the laws of primogeniture and entail, the amassing of large estates, the claiming of proprietorship under penal obligations from occupiers and preventing the same from developing the full resources of the land, must necessarily be opposed to the Divine purpose for which it was created, and to the social rights, security, and happiness of the people.

B



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ Before the conquest the Irish people knew nothing of absolute property in land; the land virtually belonging to the entire sept. The chief was little more than the managing member of the association. The feudal idea which views all rights as emanating from a head landlord came in with the Conquest, was associated with foreign dominion, and has never to this day been recognised by the moral sentiments of the people. Originally the offspring, not of industry, but of spoliation, the right has not been allowed to purify itself by protracted possession, but has passed from the original spoliators to others by a series of fresh spoliations so as to be always connected with the latest and most odious of foreign invaders in the moral feelings of the Irish people. The right to hold the land goes as it did in the beginning with the right to till it. Those were the words of John Stuart Mill, the English political economist.

“ The landlord system which an alien Government has imposed upon our country in the place of that which recognised no intermediate ownership between the cultivator of the soil and the State, has reduced Ireland to a degree of poverty and social misery incompatible with the natural productiveness of this land and the progressive prosperity of other civilised nations. The area of Ireland and the natural wealth of its soil is capable of supporting from 12 to 20 millions of inhabitants if restrictive land laws did not operate against the full development of the country's resources and the unfettered cultivation of the land. Yet a population of eight millions, previous to the year 1847, was reduced by death, starvation, and exile consequent upon an artificial famine and continued impoverishment, to a little over five millions at the present day.

“ Decreased population, with its concomitant absorption of small holdings into large estates, has produced no beneficial change in the condition of the existing farming classes, who are compelled by the coercion of necessity in the absence of manufacturing industry to an acceptance of a non-alternative bargain in the shape of exorbitant rent in order to obtain the use of the soil. The dread of eviction or rack-renting must necessarily operate against that expenditure of labour and enterprise in the cultivation of the land and improvement of farm dwellings and premises which follow in every country where the fruits of the people's industry are protected by the State. Hence the soil of Ireland is worse and less cultivated and the livings and habitations of its agricultural class more wretched than in any country in the civilised world.

“ Over 6,000,000 acres of Irish land are owned by less than 300 individuals. 12 of whom are in possession of 1,297,888 acres between them, while 5,000,000 of the Irish people own not a solitary acre. For the protection of the proprietary rights of the few thousand landlords in the country a standing army of semi-military police is maintained, which the landless millions have to support, while the conduct of the landocracy in the exercise of its legal privileges occasions almost all the evils under which our people suffer. Thus the right of the soil cultivators, their security from arbitrary disturbance, and incentives to social advancement, together with the general well-being, peace, and prosperity of the people at large, are sacrificed for the benefit of a class insignificant in numbers, and of least account in all that goes towards the maintenance of a country, but which, by the aid of existing land laws, extracts some fifteen million pounds annually from the soil of Ireland without conferring any single benefit in return on the same or the people by whose industry it is produced. If the land in possession of, say, 744 landlords in this country was divided into twenty-acre farms, it would support in ease and comparative independence over two and a half millions of our people. To substitute for such an unjust and anomalous system as the present land code, one that would show an equal protection and solicitude for the social rights and well-being of the labouring millions as that shown for those of the wealthy but non-operative few, is the principle upon which enlightened statesmanship aims at following in modern times, in order to meet the growing necessities of that popular intelligence and awakening civilisation which demands the sweeping away of those feudal laws opposed to the social progress and ideas of the age. Sacrificing the interests of the few to the welfare of the many by the abolition of feudal land codes, has laid the foundation of solid governments, and secured the content



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ of peoples in most European countries. The interests of the landlords are  
 “ pecuniary and can be compensated, but the interests of the people of Ireland  
 “ dependent upon the produce of the soil is their very existence. In denouncing  
 “ existing land laws, and demanding in their places such a system as will  
 “ recognise and establish the cultivator of the soil as its proprietor, we desire  
 “ that compensation be given the landlords for the loss of their interests when  
 “ the State, for the peace, benefit, and happiness of the people shall decree the  
 “ abolition of the present system.”

(*Sir C. Russell.*) Then there is a break if there is anything that you wish read ?

(*The Attorney-General.*) I do not think so, I am looking to see.

(*Mr. Asquith.*) It goes on after the break.

(*The Attorney-General.*) There is no break except “ (Hear, hear) ”, Sir Charles.

(*Mr. Asquith.*)

“ We appeal to the farmers of Ireland to be up and doing at once, and  
 “ organise themselves, in order that their full strength may be put forth in behalf  
 “ of themselves and their country in efforts to obtain what has brought security  
 “ and comparative plenty to the farming classes of continental countries. With-  
 “ out an evidence of earnestness and practical determination being shown now by  
 “ the farmers of Ireland and their friends in a demand for a small proprietary,  
 “ which alone can fully satisfy the Irish people or finally settle the great land  
 “ question of the country, the tribunal of public opinion will neither recognise  
 “ the urgent necessity for such a change, nor lend its influence in ameliorating  
 “ the condition or redressing the social and political wrongs of which we  
 “ complain.

“ Let us remember, in the words of one of Ireland’s greatest sons, ‘ That the  
 “ ‘ land is the fount whence we all ultimately draw, and if the terms on which  
 “ ‘ the land is cultivated be unfair, if the agricultural system of the country  
 “ ‘ be unsound, then the entire structure is rotten, and will inevitably come down.’  
 “ Let us never forget that mere appeals to the public to encourage native industry  
 “ in other departments must be utterly futile as long as the great and paramount  
 “ native industry of the farmer is neglected. In vain shall we try to rouse the  
 “ national spirit of the very men who make a nation sink into paupers before our  
 “ faces. Paupers have no country, no rights, no duties, and, in short, if we  
 “ permit the small farmers to be reduced to pauperism, if we see them compelled  
 “ to give up their lands and throw themselves on public relief, there is an end of  
 “ Ireland.

#### “ RULES AND OBJECTS.

“ This body shall be known as the National Land League of Mayo, and shall  
 “ consist of farmers and others who will agree to labour for the objects here set  
 “ forth, and subscribe to the conditions of membership, principles, and rules  
 “ specified below.

“ Objects.—The objects for which this body is organised are :—

- “ 1. To watch over the interests of the people it represents, and protect the  
 “ same, as far as may be in its power to do so, from an unjust or capricious  
 “ exercise of power or privilege on the part of landlords or any other class  
 “ in the community.
- “ 2. To resort to every means compatible with justice, morality, and right  
 “ reason which shall not clash defiantly with the Constitution upheld by  
 “ the powers of the British Empire in this country for the abolition of the  
 “ present land laws of Ireland, and the substitution in their place of such  
 “ a system as shall be in accord with the social rights and interests of our  
 “ people, the traditions and moral sentiments of our race, and which the  
 “ contentment and prosperity of our country imperiously demand.
- “ 3. Pending a final and satisfactory settlement of the land question, the duty  
 “ of this body will be to expose the injustice, wrong, or injury which may  
 “ be inflicted upon any farmer in Mayo, either by rack-renting, eviction,



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

- “ or other arbitrary exercise of power which the existing laws enable the  
 “ landlords to exercise over their tenantry, by giving all such arbitrary  
 “ acts the widest publicity, and meeting their perpetration with all the  
 “ opposition which the laws for the preservation of the peace will permit  
 “ of. In furtherance of which the following plan will be adopted:—  
 “ Returns to be obtained, printed, and ~~circulated~~, of the number of  
 “ landlords in this county, the amount of acreage in possession of same,  
 “ and the means by which such lands were obtained; the farms held by  
 “ each, with the conditions under which they are held by their tenants,  
 “ and the excess of rent paid by same over the Government valuation.  
 “ To publish by placard, or otherwise, notice of contemplated evictions for  
 “ non-payment of exorbitant rent, or other unjust cause, and the con-  
 “ vening of public meetings, if necessary or expedient, as near the scene  
 “ of such evictions as circumstances will allow, and on the day fixed upon  
 “ for the same. The publication of a list of evictions carried out,  
 “ together with cases of rack-renting, giving full particulars of  
 “ same, name of landlord, agents, &c. concerned, and the number of  
 “ people evicted by such acts. The publication of the names of all persons  
 “ who shall rent or occupy land or farms from which others have been  
 “ dispossessed for non-payment of exorbitant rents, or who shall offer a  
 “ higher rent for land or farms than that paid by the previous occupier.  
 “ 4. This body to undertake the defence of such of its members or others of  
 “ local clubs affiliated with it who may be required to resist by law  
 “ actions of landlords or their agents, who may purpose doing them  
 “ injury, wrong, or injustice in connexion with their land or farms.  
 “ 5. To render assistance when possible to such farmer members as may be  
 “ evicted or otherwise wronged by the landlords or their agents.  
 “ 6. To undertake the organising of local clubs or defence associations in the  
 “ baronies, towns, and parishes of this county, the holding of public  
 “ meetings and demonstrations on the land question, and the printing of  
 “ pamphlets on that and other subjects for the information of the farming  
 “ classes.  
 “ 7. Finally, to act as a vigilance committee in Mayo, noting the conduct of  
 “ its grand jury, poor law guardians, town commissioners, and members  
 “ of Parliament, and pronouncing on the manner in which their respective  
 “ functions are performed, whenever the interests, social or political, of  
 “ the people represented by this club render it expedient to do so.  
 “ CONDITIONS OF MEMBERSHIP.—*First*, to be a member of any local club or  
 “ defence association in the county, and to be selected by such club or association  
 “ to represent the same on the central or county association. *Second*, a desire to  
 “ co-operate in the carrying out of the foregoing objects and subscribing to the  
 “ principles here enunciated, with a view of propagating the same and labouring  
 “ for their successful application in Ireland, will qualify non-representative farmers  
 “ or others for membership in this body, subject to the subscription and rules laid  
 “ down for same. *Third*, to pay any sum not under 5s. a year towards the  
 “ carrying out of the foregoing objects, and the end for which this body is  
 “ created, namely, the obtaining the soil of Ireland for the people of Ireland, who  
 “ cultivate it.”

(*The Attorney-General.*) I should just like this to appear on the note at the same place. It is at the end of the meeting. It is the appointment of the officers. It is only a few lines. Perhaps I might be allowed to read it now.

“ The chairman reminded the delegates that on them depended the organis-  
 “ ation and encouragement of their weaker hearted brethren. He trusted that  
 “ before many months every part of Ireland would be organised. He trusted that  
 “ those differences—those political or polemical differences—which had for so long  
 “ kept Irishmen asunder, would disappear for ever from their ranks (hear, hear),  
 “ and that on the platform which had been erected in Mayo would be found men  
 “ of all shades of opinion, in Ireland—the Home Ruler and the Nationalist, the  
 “ devout Catholic and the sturdy Orangeman—and he trusted that they would  
 “ know each other for the future only as Irishmen (hear, hear).”



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

"On the motion of Mr. Monahan, seconded by Mr. James McGrath, it was resolved to form a National Land League, and adopt the manifesto read by Mr. Davitt.

"The meeting then proceeded with the election of officers, with the following results : — President, Mr. J. J. Louden ; Vice-President, Mr. James Daly ; Treasurer, Mr. H. ~~Ferry~~, T.C. ; Secretaries, Mr. P. W. Nally and Mr. J. W. Walsh. An executive committee was also elected, consisting of representatives from each poor law union."

86,630. (*Sir C. Russell.*) With reference to what the Attorney-General has just read, has that been a constant thing in your speeches and your writings, namely, trying to get Irishmen to forget religious differences ?—It has.

86,631. And combine upon a national platform ?—It has. I have done my best to put an end to the unhappy religious ill-feeling that has existed in Ireland for a long time, and I have endeavoured to bring both Fenians and Orangemen, Catholics and Protestants, on to one platform, which had for object the abolition of landlordism.

86,632. You have addressed meetings of Orangemen in Ulster ?—Yes, one occasion was ten days before I was arrested in 1881.

86,633. As regards all coming on to the platform, whether Home Rulers or more advanced Nationalists, as I think they are called, you desired that all should come in who were willing to subscribe to the object ?—Certainly.

86,634. Now, in reference to the secretaries whose names have been mentioned, just tell me first of all, did Mr. P. W. Nally, who was nominated, agree to act, or did he not ?—No, he declined the following day, and did not act. He was, in fact, never a member of any branch of the Land League in Mayo, though he had assisted in organising several meetings in Mayo, and at that time was one of the most widely respected and most respectable young men in Mayo.

86,635. I understand he had assisted in some of the earlier meetings, but declined to act in this character of secretary as he was asked ?—He would have nothing whatever to do with the Land League in the way of becoming even a member of its organisation. Mr. Nally conscientiously held more advanced views.

86,636. And Mr. Walsh. There have been so many Walshes ; I do not know that his name has been mentioned before ?—Yes, it has.

86,637. Which is he ?—He was a relative of mine. He was at that time a commercial traveller, and is now resident in Australia.

86,638. (*Mr. Justice A. L. Smith.*) Walsh of Balla, is not it ?—Balla, in Mayo.

86,639. We call him Walsh of Balla ?—Yes.

86,640. (*Sir C. Russell.*) That will identify him. I wish also to ask in relation to the foundation of that Land League of Mayo, had Mr. Parnell anything to do with its inauguration ?—Nothing whatever.

86,641. It was practically your own work ?—Yes.

86,642. And the work of the local people ?—Mr. Brennan, of Dublin, was actively engaged with me in addressing those western meetings. He was not present at this convention. That convention was organised by Mr. Louden and myself, Mr. John Walsh of Balla, Mr. J. P. Quinn, and a few others.

86,643. I think an incident occurred which gave an impetus to this movement. You had attended a meeting at Gurteen, I think, in Sligo ?—Yes, I think in September of 1879. I made a very violent and not a very wise speech for which I was prosecuted, but the Government ultimately abandoned the prosecution.

86,644. And I think at the same time Mr. Daly of Castlebar and Mr. Killeen of Dublin, a barrister, were also arrested ?—Yes, for speeches at the same meeting.

86,645. At Gurteen ?—At Gurteen, Sligo.

86,646. But a prosecution having begun before the magistrates, the Government declined to continue the prosecution ?—Yes, we heard nothing further about it.

86,647. Had that prosecution the effect of drawing public attention to the movement ?—Yes, the prosecution brought to the town of Sligo 27 reporters, and of course they gave the proceedings in the court great publicity, and immediately after that the movement spread into the whole of the counties of Connaught and into many other parts of Ireland. In fact that prosecution was a service for which I shall always thank the Tory Government of the day.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,648. The next event, I think, of importance which I have to call your attention to, is the meeting at the Imperial Hotel, which was held on the 22nd October 1879, in response to a circular sent out by Mr. Parnell with the view of founding the National League for Ireland?—The National Land League for Ireland.

86,649. I mean the National Land League for Ireland. Their Lordships have had the history of that before. I can therefore give it more briefly. I should wish you to tell the history of that. First of all, what was Mr. Parnell's attitude towards any extended land movement of that kind?—After the convention at Castlebar, when the National Land League of Mayo was organised, I met Mr. Parnell, I think in Dublin, but I am not sure. It possibly may have been in London. I had a long talk with him as to the advisability of establishing a Land League for Ireland. He strongly objected. He represented to me what he said here in this witness box, that he did not like the idea of an extensive organisation which would probably break away from the control of himself and others; and he thought a small committee of representative men meeting occasionally in Dublin and encouraging local organisations like that of Mayo, would serve the purpose. However, subsequently at a meeting I had with him in his own house in Avondale, he agreed to invite representative land reformers and Nationalists from all parts of Ireland to a conference in Dublin. This conference was held on the 22nd October, and the Land League of Ireland was organised.

86,650. You have told us your means of obtaining information as to the people of Ireland and what their state was. In your judgment was a movement with the view of combining the general tenant class in combination, in the condition of things then existing a necessity?—It was absolutely necessary to prevent wholesale evictions and to prevent the people from resorting to means and methods that would be deplorable.

86,651. I think that meeting, as we have already heard, was presided over by Mr. Kettle, was addressed by some members of Parliament, Mr. Parnell was elected president, you were one of the honorary secretaries, and the three treasurers were Mr. Biggar, Mr. W. H. O'Sullivan, and Mr. Egan?—Yes, W. H. O'Sullivan now dead.

86,652. The other honorary secretaries in addition to yourself being Mr. Kettle and Thomas Brennan?—Yes.

86,653. As these names occur for the first time, I should like to ask you about each of them. First of all, who and what was Mr. Kettle?—Mr. Kettle was then and is now a respectable and large farmer—a gentleman-farmer of Dublin county. He had been from 1870 to the date of the organisation of the Land League, secretary of the Irish Tenant Farmers' Defence Association, of which the late Mr. Isaac Butt was president. Mr. Kettle had always taken a deep interest in the condition of his fellow farmers.

86,654. The next name that I think occurs for the first time in connexion with your evidence is Mr. Biggar. What had you known of Mr. Biggar?—I knew very little of Mr. Biggar then personally, and know very little now. I, however, heard a great deal of him from those who knew him more intimately, who spoke very highly of him.

86,655. Mr. Patrick Egan; what did you know of Mr. Patrick Egan?—I met Mr. Patrick Egan on my release from prison in 1877, and we at once became, I might say, affectionate friends, and I am proud to say that that intimacy continues to the present hour.

86,656. Was Mr. Egan or not a respected citizen in Dublin?—He was one of the most respected merchants of Dublin, a man of the highest character and honour who, though an advanced Nationalist, had numerous friends amongst classes who differed entirely from him in politics.

86,657. The only remaining name, Mr. W. H. O'Sullivan, was member for the county of Limerick, I think?—Yes, he was member for the county of Limerick. I did not know much of him personally. I met him, I believe, for the first time on that occasion.

86,658. Do you recollect whether attention was called at this period in Parliament to the prevalent distress and to the grave consequences that were feared?—The Government had denied the existence of distress up to, I think, about the time that the Land League was formed, though we and those acquainted with the West of Ireland



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

gave repeated warnings that very severe distress would come along in the winter of 1879 and the beginning of 1880. All the indications pointed to that.

86,659. We need not, I think, go through it in detail. There were a number of funds started under different agencies, control, and influence with a view to the relief of distress?—Yes, the Land League started a fund. The Duchess of Marlborough, wife of the then Lord Lieutenant, started a fund. The Lord Mayor of Dublin, the late Mr. Gray, started a fund, and in America the "New York Herald" started one, and some citizens of Philadelphia. There was also a Canadian fund, and I think there was a fund started in Liverpool.

86,660. Do you recollect whether after that meeting, and, I think, at that meeting, Mr. Parnell and Mr. Dillon were urged to proceed to America to make an appeal for assistance?—There was a special resolution proposed and carried to that effect.

86,661. We already know that they left for America in December of 1879, and I think that within a period of something like 60 days 50,000*l.* had been remitted for relief?—About 50,000*l.*, with the distribution of which I was, I might say, chiefly concerned.

86,662. We also know that Mr. Parnell, having made a hurried visit to America, in consequence of the general election, returned in the early part of 1880?—Yes.

86,663. Was it then resolved to start the branches of the National Land League in America?—Yes. Mr. Parnell summoned a conference in New York on the eve of his departure (I think the 13th of March 1880), and a programme was drawn up at that conference, and steps were taken to organise an auxiliary Land League movement in America.

86,664. I may ask you, in relation to the moneys distributed by the League, were they distributed through local committees?—Through local committees; through clergymen of the Catholic and Protestant churches and through branches of the League. Some 10,000*l.* or 12,000*l.* of the Land League Relief Fund was expended by me in purchasing seed potatoes from Scotland and elsewhere, as the seed in the West of Ireland had become diseased.

86,665. Now I think you started for America with a view to perfect the auxiliary Land League organisation there in May 1880?—Yes, in May 1880, shortly after Mr. Parnell's return.

86,666. Before leaving for America, I have a question or two to ask you as to the Land League meeting which was held at the Rotunda on the 30th of April 1880?—Yes, I was present at that meeting.

86,667. You recollect the meeting I am alluding to?—Yes, I recollect it very well. I was present there.

(*Sir C. Russell.*) I am now, my Lord, putting a question or two with reference to certain statements made by the man Delaney in his evidence. I think your Lordship will find the substance of what I am referring to at page 1848. It begins at that point.

86,668. It has been understood that Delaney suggested that you were there in the character of a friend of the man O'Hanlon, a member of the Fenian body who sought to disturb the meeting?—Yes, Delaney made that statement.

86,669. Tell us what the facts were?—Just the contrary. I never met O'Hanlon in my life before. He came to that meeting with a band of men to break it up or to have permission to read some resolutions. This attack created a great confusion, and I appealed to the meeting to give O'Hanlon a fair hearing, which the meeting declined to do. Any efforts I made for O'Hanlon on that occasion were made on behalf of an opponent. I always believe in giving fair play to my enemies, and I have here a report of the meeting from the "Flag of Ireland" which directly contradicts the statements sworn to here by Delaney.

86,670. O'Hanlon, as a subsequent letter shows, was a Fenian who resented or resisted the Land League movement, and thought it was taking the people of Ireland from the straight path as he considered it?—Precisely. It was in reality an attack upon myself for having, as O'Hanlon and his friends thought, deserted the true path of Irish independence. I was specifically denounced in the resolution, and on the occasion was knocked off the platform.

86,671. Delaney further said that you, Mr. Egan, and Mr. Brennan held a conference subsequent to this meeting in Dublin of leading Fenians?—There is not one word of



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

truth in that statement as regards myself. I know nothing about the others, but I do not believe it.

86,672. So far as your knowledge goes, was any such meeting held?—As far as my knowledge goes, no such meeting ever was held.

86,673. Did you ever attend any Fenian meeting with either Egan or Brennan?—Never in my life.

86,674. Now, the Land League being founded, as you have told us, at this time (1879) had you any connexion with the Fenian body after that date?—No, I do not think I attended any Fenian meeting after about July 1879.

86,675. You have told us that already?—I have no recollection.

86,676. So far as you recollect, did you attend any after that date?—No, so far as I recollect I did not—not in Ireland.

86,677. I am coming to America in a moment or two. You left for New York, I think, on the 9th May?—Six days after this meeting in the Rotunda.

86,678. I believe the date was the 9th May?—Yes.

86,679. Did you learn what had taken place in reference to the Fenian organisation upon your departure?—No, I learnt while in America that I was expelled from the Supreme Council on the eve of my departure for America, in fact, immediately after the Rotunda meeting.

86,680. I think you learned that, did you not, from a publication in the "Irishman" of an interview with a man called James Mullett originally reported by Mr. Ives, of the "New York Herald"?—I learnt of the circumstances first from the "New York Herald" in this way.

86,681. (*The Attorney-General.*) Will you kindly either produce the paper or give me the date?—I will give you the interview. It is not from the "Irishman," but from the "New York Herald." I have the interview here. My authority for the statement that Mr. Mullett was the man who gave the interview is Mr. Ives. I have no further information about it.

86,682. (*Sir C. Russell.*) At all events you learned in that way that you had been expelled on the eve of your departure?—Yes; I have the interview here for the Attorney-General. It was cut by me from the "New York Herald" at the time.

86,683. This is the "New York Herald" of 12th August 1880. It is a very long story, apparently. What does it purport to be?—Well, it is an attack upon the Land League by some one who sincerely believed that the Land League was doing an injury to the true cause of Irish national independence. It was an attack upon myself and upon Mr. Parnell.

86,684. What I want to get from you, for I do not yet follow it, is this. This does not purport to be an interview with the man Mullett that you named?—No, there is no person named there, but I learned from Mr. Ives that Mr. Mullett was the man who had the interview.

86,685. I did not quite gather that; it does not appear in the paper?—No.

86,686. Who was Mullett?—Well, I am not certain whether it was James or Joe Mullett. There were two Mulletts, and Mr. Ives was not very well satisfied which of the two it was.

86,687. It is a long document; will you show me or mark the passage which relates to your alleged expulsion. Perhaps you will just put a large cross upon it?

[The witness marked a passage.]

(*Sir C. Russell.*) This is the passage Mr. Davitt has marked:—

" 'How do you deal with leaders who are active in strengthening the Land League at your expense?' was asked. 'We first warn and then expel,' replied my informant. 'We have had to drop several men who until lately have been staunch adherents to revolutionary principles. Michael Davitt, the representative for the North of England in the Supreme Council, was expelled from the council on the eve of his departure for America in May. He had been summoned to appear at the meeting of the North of England centres to explain his connexion with the land movement, and to answer the charges of having mustered the men of the firm, making fools of them by parading them with



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ ‘imitation pikes and swords, for using his influence for the benefit of the  
 “ ‘agitation, for non-attendance at convention, &c.’ ”

That is the passage you have marked?—Yes.

86,688. A great part of it is Greek to me; I do not understand it. What is the charge of having mustered the men of “the firm,” making fools of them by parading them with imitation pikes?—That charge is not true. I think it refers to some boyish proceedings at one or two of the western meetings where imitation guns—wooden guns—were carried.

86,689. At all events that is your authority for the statement that you were expelled on the eve of your departure?—Yes, and after that I never had anything to do with the Fenian organisation.

86,690. Was I wrong in suggesting that the fact also of your expulsion was mentioned in the “Irishman” newspaper?—I think it was.

86,691. Now, a further statement of Delaney’s I wish to ask you about. He is understood to have said that on the occasion you saw him in consultation with Daniel Curley in the timber yard in Talbot Street, Dublin. First of all, did you know Daniel Curley or did you ever know him?—To the best of my knowledge I never met him in my life. If I had met him at that time I would have ~~had~~ no hesitation in seeing him, because I have learned something about him that he was at that time a very respectable young man.

86,692. You know nothing at all about him then?—No.

86,693. Have you ever met him or identified him by the name of Curley?—I never met him to my knowledge, and if I had I would certainly mention it here.

86,694. I do not know whether this meeting appears to be mysterious or not, but the suggestion is that you met him in consultation in a timber yard in Talbot Street, Dublin?—To the best of my recollection the last timber yard I was in was a timber yard in Dartmoor convict prison. I do not think I ever was in a timber yard in Dublin in my life.

86,695. We have had also a statement—I do not know that it is really a very important statement—from the man Farragher, but as you desire to contradict it, I may put it to you. He said you told him not to pay his rent—this is at page 2022, my Lord—and that you would find him employment in the Land League?—I have no recollection of ever having exchanged a single word with the man Farragher, I may have done, but I do not recollect it—and I do not remember ever telling him or any single tenant farmer not to pay his rent. I ~~occasionally~~ told the whole of the tenant farmers not to pay, except under certain conditions.

86,696. We know the circumstance under which he was dismissed. I need not ask you about that. Now, although Mr. Parnell returned from America, Mr. Dillon, who originally accompanied him, did not return at the same time?—He remained behind.

86,697. And you accordingly met Mr. Dillon upon your arrival in New York?—Yes, at the first convention of the Land League of America.

86,698. I need hardly ask you, as it occurs in this connexion for the first time, you knew Mr. Dillon very well?—I knew Mr. Dillon intimately since, I think, the Claremorris meeting—the third or fourth meeting of the land agitation in Mayo—and like all his countrymen I have a very high opinion of him.

86,699. I think on the day you landed you attended the convention held in the ~~Tre~~ <sup>Tre</sup> ~~tor~~ <sup>tor</sup> Hall which was presided over by Mr. P. M. Collins?—Yes. And known as the ~~Tre~~ <sup>Tre</sup> ~~tor~~ <sup>tor</sup> Hall Convention.

86,700. I think you were appointed secretary of the American League and to organise the branches on the American Continent?—I was.

86,701. What was Mr. Collins, by the way?—A leading lawyer in Massachusetts and a very prominent leader among the democratic party in America.

86,702. A man of high position?—A man of very high position indeed; a man of great ability and universally respected by those who knew him intimately.

86,703. I think you have a report. I do not know that it is necessary to go into it?—I have a report which I cut out at the time from the “Boston Pilot,” but not an official report.

86,704. Is it a substantially accurate report?—Yes, I think so.

(*Sir C. Russell.*) You may as well let me have it. I do not know whether the Attorney-General wishes it read.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*The Attorney-General.*) I want to look at it.

86,705. It is from the "Boston Pilot"—what is the date?—I will give you the date directly, Mr. Attorney.

86,706. (*Sir C. Russell.*) If you think it desirable it should be read, I will read it?—Thank you. I am afraid I have left it behind me, having so many papers, but I will get it after the adjournment.

(*The Attorney-General.*) What is the date?

(*Sir C. Russell.*) I can tell you approximately the date. He left for America on the 9th May—the passage usually takes seven days, which would bring it to about the 16th or 17th May, I should think, 1880.

86,707. Is the "Boston Pilot" a weekly or a daily paper?—A weekly paper.

86,708. Then it would be a few days later; perhaps if you could get it now it would be as well. Could anyone help you in looking for it?—I do not think I have got it here. I fancy it must be among my other papers in the hotel—I will get it then afterwards.

86,709. I will pass that by for the present. After that convention you took offices for the quarters of the League in University Buildings, Washington Square, and issued an official document arranging details and the clerical work, and then set out on an organising tour?—Yes, I have those official documents.

86,710. Just let me have them. The 18th May is said to be the date, my Lords, of that—it would be reported in the "Boston Pilot" of the following Saturday, I suppose?—These are all the official documents that I issued while in charge of the Land League of America.

[*The documents were handed to Sir Charles Russell.*]

86,711. (*Sir C. Russell.*) My Lords, I believe we can, so as not to have to go back, at once read from another document this report. We have a reprint from the "Boston Pilot" of the 29th May?—That is the date.

(*Sir C. Russell.*) Perhaps my friend can read it.

86,712. (*Mr. Asquith.*) "The Land League of America"?—I will give the original to the Attorney-General afterwards.

(*Mr. Asquith.*) It is headed, my Lords:—

"THE LAND LEAGUE OF AMERICA. THE FIRST NATIONAL CONVENTION IN NEW YORK.

"The first Convention of the Central Provisional Council of the Irish Land League of America met in Tremor Hall, New York City, on Tuesday, May 18th, pursuant to a call issued by the sub-committee of seven selected for that purpose on the part of the committee suggested by Mr. Parnell before leaving this country. Soon after 2 p.m. the convention was called to order by Mr. John C. McGuire of Brooklyn, N.Y., who made an eloquent speech on the necessity of helping Ireland by organised means. Mr. John Boyle O'Reilly, by a unanimous vote, was elected temporary chairman. On taking the chair Mr. O'Reilly said that he who should strike the true tone for the Land League of America must be one who looked over the whole field of Irish political, social, and industrial interests, and who should speak a word to linger in the mind and smelt into harmony every healthy element of the race. This convention was essentially one of unification. To-day, with millions in America Irish nationality was only a sentiment. To-morrow it should be a system. The duty of the convention was to reduce into operative form the best aspirations and principles of the people. When this is done a danger is averted. It is wiser to follow organised principles than to follow men, however excellent they may be. When the masses follow men they may be dangerous to their enemy, when they follow principles they become terrible. Impotent action breeds contempt and pity. Too much of Ireland's national action has been futile and impotent. It is time to reduce the fight to reason and science, and take advantage of every opportunity. Ireland must plead her cause and make her charges against her powerful enemy, not in the dark, where she may be strangled and gagged as heretofore, but in the market-place before the world. In referring to the need of practical developments in Ireland, Mr. O'Reilly read the following important letter from Professor Thompson, of the University of Pennsylvania:—



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

## " FATAL DEPENDENCE ON AGRICULTURE.

" Philadelphia, Pa., May 17th, 1880.

" To the chairman, American Land League. Dear Sir,—I have been honoured  
 " with an invitation to become a member of your organisation, with a view to  
 " co-operating with Hon. Mr. Parnell and the Irish Land League. The deep and  
 " fervent interest I feel in the welfare of Ireland, my native country, and my  
 " conviction of the deep wrong inflicted on her people by the establishment of an  
 " alien system of land tenure would impel me to accept this invitation. But my  
 " studies of the nature and causes of Irish misery, which have extended over  
 " years of my life, have satisfied me that no settlement of the land question,  
 " however just and excellent in itself, will restore to Ireland that prosperity for  
 " which God made and for which He has fitted her people. If all that  
 " Mr. Parnell seems to desire were accomplished to the letter, Ireland would still  
 " remain an impoverished and unhappy country, a country all the more wretched  
 " for the disappointment of her new hopes.

" No country ever was confined to agriculture as the one employment of its  
 " people, and the crime of English misgovernment in Ireland was the deliberate  
 " and wickedly selfish destruction of Irish industries, first by restrictive legislation,  
 " and then by the power of the purse in unfair competitions. It is this which  
 " has put the Irish people at the mercy of the landlords by forcing them to  
 " compete for the possession of a piece of land as the only escape from starvation.  
 " It is this that has made Irish agriculture unprofitable to freeholders as well as  
 " tenants, as I, the son of a county Down freeholder, can testify. It is this which  
 " has subjected the land to the periodical occurrence of famines.

" The people have all their eggs in one basket, and when that fails there is  
 " nothing left for them but suffering and death. In assigning this as the real  
 " cause of Irish misery I am sustained by many authorities, such as M. de  
 " Beaumont, the friend and associate of De Tocqueville, the late Counsellor Butt,  
 " the founder of the Home Rule party, Judge Byles, of the English Court of  
 " Queen's Bench; the late Henry C. Carey, founder of the American School of  
 " Political Economists; Mr. Henry Carey Baird, and many other warm friends  
 " of Ireland.

" If the American branch of the Land League will broaden their platform  
 " beyond the limits recognised by Mr. Parnell and his associates so as to give  
 " the opportunity to urge Ireland's other economic grievances, it will give many  
 " an opportunity to work with it for Ireland's welfare. But we hesitate to join  
 " in a movement whose leaders ignore our deepest convictions as to the nature  
 " and the remedy for Ireland's wrongs.

" Believe me, sir, that I am in deep sympathy with every effort for Ireland's  
 " welfare, and remain, yours to command, Robert Ellis Thompson, Ph.D., Prof.  
 " Social Science, University of Pennsylvania, and editor of the 'Pennsylvania  
 " Monthly.'

" A committee on credentials having on motion been appointed by the chair,  
 " reported the names of the delegates present, as follows:—

(Sir C. Russell.) Mr. Davitt, do you wish the list of delegates read?

(Mr. M. Davitt.) I think so; I think it had better be read,

(Mr. Asquith.) [Reading.]

" The Rev. M. McAleer; W. B. Wallace; Alexander Patten; John Devoy;  
 " John F. Walsh; Michael D. Gallagher; George D. McGuran; Stephen J.  
 " Meany; Patrick Donnelly; James W. O'Brien; Andrew Delany; James M.  
 " Krielinan; Patrick Nulty; Wm. O'Connell; John J. Breslin; and John Boyle,  
 " of New York; Andrew Walsh and John C. McGuere, of Brooklyn; P. Cox;  
 " of Rochester; the Rev. S. Cronin, of Buffalo; Dennis R. Shields, of West-  
 " chester; J. C. O'Sullivan, of Hoboken; John King, of Passaic, N.J.; John  
 " Boyle O'Reilly and P. A. Collins, of Boston; George Cahill, of Quincy, Mass.;  
 " J. J. McCafferty, of Lowell, Mass.; Captain Lawrence O'Brien, of New Haven;  
 " the Rev. L. Walsh, of Waterbury, and the Rev. H. P. Lalor, of Danbury, Conn.;  
 " Wm. Ivoy, of Providence, R.I.; Patrick Corbett, of Syracuse; J. V. Reddy, of  
 " Richmond, Va.; Thaddeus Flanagan, of San Francisco, and L. Harmon, of  
 " Peoria, Ill.; Francis Dillon Egan, John Boyle, and Dennis O'Reilly, of New



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ York. The Hon. John Dillon, M.P. for Tipperary, was present. Many delegates from other places arrived after the report was made.

“ The Hon. P. A. Collins of Boston was elected permanent, Rev. S. Cronin. Buffalo, first President; Patrick Madden of Peoria, Treasurer; and D. C. Shields of Winchester, New York, Secretary.

“ The convention then adjourned until next day after having appointed a committee on constitution, and another on resolutions and address.”

86,713. (*The Attorney-General.*) Before you go on, in this there is no report of your speech, I think, Mr. Davitt?—I fail to find it in that. It may be found elsewhere. I think you will find it in the “Irish World.”

(*Mr. Asquith.*) [*Reading.*]

“ On the second day, after many hours of exhaustive discussion, the deliberations of the convention of the Land League in America were brought to a close with perfect harmony and a united feeling, which will add materially to the strength of the Land League movement in this country, and lend strong moral and financial support to those who are battling across the water for life and liberty. There was a large attendance of delegates present when the convention was called to order by Hon. Patrick A. Collins of Boston, among them the Rev. P. A. McKenna of Hudson, Mass., Mr. Lawrence Harmon of Peoria, Illinois, Mr. John Dillon, M.P. In the forenoon Mr. Michael Davitt, the man who deserves the first credit for conceiving and organising the land agitation, entered the hall, and received a splendid welcome from the convention.”

“ Judge Corbet, of Syracuse, N.Y., presented the report of the committee on constitution and byelaws. There ensued a long and, at times, heated discussion on several clauses, but the constitution was finally adopted.

“ The chief point of disagreement was on the appointment of a ~~national~~ treasurer. Several delegates, chiefly from New York, wanted an independent system adopted, by which each Land League would send its own funds to Ireland. This view was ably and eloquently defended by several delegates, particularly so by Mr. M. D. Gallagher, of New York; Mr. George Cahill, of Quincy; Father Walsh, of Waterbury, Conn.; and Father P. A. McKenna, of Hudson; Mr. D. R. Shields, of Westchester, N.Y.; Mr. Thaddeus Flanagan, of San Francisco; and Mr. Reddy, of Richmond, Va.

“ The contrary position was taken by Mr. James J. McCafferty, of Lowell, Mass.; John Boyle O'Reilly; Dr. Wallace, of New York; Judge Corbet, of Syracuse; Mr. Stephen Joseph Meany, of New York; Mr. John Devoy, of New York; Mr. J. C. Maguire, of Brooklyn; and Mr. Lawrence Harmon, of Peoria. The speech of the last-named gentleman was so strong and convincing that it virtually settled the question.

“ The arguments in favour of a central treasurer for the United States were as follows: In case of disagreement and disruption of the League in Ireland, the organisations here would also divide if each were to send its funds. Some would send to this party and some to that. The moral influence of a great organisation sending large sums of money, and intelligently showing the progress of the agitation, thereby acting as a salutary influence in this Irish movement, would be lost. The unity of the National League in America would be imperilled if it were known to be only a name, without either power or influence, unable to direct the scattered force of its independent branches.

“ An amendment offered by Rev. P. A. McKenna, of Hudson, Mass., ‘That the national treasurer shall receive from the secretary all funds assessed for the expenses of the board, and make a tri-monthly statement to each branch,’ was lost. This vote was a test, and at the next step the constitutional provision for a national treasurer for the United States was carried.

“ Mr. George Cahill, of Quincy, Mass., who had opposed the section, moved that the vote be made unanimous; and the motion was carried with scarcely a dissenting voice.

#### “ THE RESOLUTIONS.

“ Mr. John Boyle O'Reilly then presented a report from the committee on resolutions, and stated that the address to the public would not be ready for several days.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ The following were unanimously adopted :—

“ Whereas a famine has been raging in Ireland for the past six months, and  
 “ at the present moment hundreds of thousands of the people are being fed by  
 “ the charity of foreign nations; and whereas the terrible national affliction  
 “ is of periodical recurrence, we deem it our duty to declare our conviction that  
 “ these famines do not arise from natural causes, but are the results of bad laws  
 “ enacted by the English Government, and maintained despite the Irish people.  
 “ Therefore be it—

“ *Resolved*, that it is the duty of every Irishman to aid to the utmost of his  
 “ ability, all honourable effort made by the Irish people to free themselves from  
 “ these ruinous laws.

“ *Resolved*, that we regard the present system of land tenure in Ireland as one  
 “ of the chief causes of famine, and of the chronic poverty and oppression which  
 “ prevails in that country.

“ *Resolved*, that the National Land League of Ireland, having appealed to the  
 “ Irish of America to assist them in removing the cause of poverty, we hereby  
 “ pledge the earnest co-operation of this organisation to the Irish Land League  
 “ in the work of abolishing the present English land system, and establishing a  
 “ peasant proprietary in Ireland.

“ *Resolved*, that while prepared to aid the Irish Land League to the utmost of  
 “ our ability, we desire to place on record our conviction that the kindred  
 “ interests of manufacturing, mining, fisheries, and commerce are also being  
 “ protracted by deliberate and wickedly selfish restrictive legislation, and that  
 “ poverty must remain the normal condition of the Irish people until they  
 “ recognise the power to regulate and protect these interests.

#### “ AN INTERESTING COMMITTEE ON INDUSTRIAL INTERESTS.

“ On motion of Dr. Wallace, the following gentlemen were requested to act  
 “ as a committee to draw up a statement and programme in connexion with the  
 “ industrial features of the organisation, to be submitted to the next convention :  
 “ Prof. Robert Ellis Thompson, of Philadelphia; Col. A. K. McClure, of ‘Phila-  
 “ delphia Times;’ Henry C. Baird, Philadelphia; Henry Lee, Philadelphia;  
 “ Joseph Medill, editor Chicago ‘Tribune;’ Alexander Sullivan, Chicago;  
 “ Dr. Elder, Chief of the Bureau of Statistics at Washington; Michael Boland,  
 “ Louisville; Dr. J. F. Collins, Minneapolis; and Gen. Garfield, of Ohio.

#### “ THE OFFICERS OF THE NATIONAL LAND LEAGUE.

“ On motion of Mr. Harman, of Ill., a committee of 13 to name officers for  
 “ the ensuing year was appointed. After a short recess they presented the name  
 “ of John Boyle O’Reilly for president, but in view of his positive declination,  
 “ the following ticket was nominated and unanimously elected :—

“ For President, James J. McCafferty, Lowell, Mass.; Vice-President, William  
 “ Purcell, Rochester, N.Y.; Treasurer, Rev. Lawrence Walsh, Waterbury, Conn.;  
 “ Recording Secretary, Michael Davitt.

“ Council.—Thaddeus Flanagan, San Francisco; Lawrence Harmon, Peoria,  
 “ Illinois; William Carroll, Philadelphia; James Gibson, Paterson; J. O. Reddy,  
 “ Richmond, Va.; P. K. Walsh, Cincinnati; and M. E. Walsh, Providence.

“ The Central Council is to meet regularly once in three months to pass on  
 “ all questions of discipline and adjust disturbances in the branches of the League,  
 “ and to fix the time for general conventions. A general convention is to be held  
 “ once a year. To it each branch, having 300 members or under, is entitled to  
 “ send a delegate. Each branch, having over 300 delegates—

I think that must be members—

“ can send an additional delegate. The initiation fee is to be 1 dol., and the annual  
 “ fees not more than 1 dol.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

## " THE OFFICERS OF THE BOARD.

" The convention then adjourned with a feeling of satisfaction and harmony. The admirable board of officers selected left nothing to be desired. Every member of the board deserves solid respect and confidence. The president, Mr. McCafferty, of Lowell, Mass., is the youngest member. He is a gentleman whom to know is to esteem, full of energy, kindness, and common sense. By profession a lawyer, and a prosperous one. It is safe to say that in this choice a good selection was made.

" The vice-president, Mr. Wm. Purcell, of Rochester, is a well-known and respected president, editor of an influential journal.

" The treasurer, Rev. Lawrence Walsh, of Waterbury, Conn., is a sterling man and a beloved priest. He proudly says that his is 'the banner parish of 'the Union' in helping Ireland, for he has sent from his people over 6,000 dollars to the famine fund. In his hands the treasury to the Land League is absolutely safe."

86,714. I think I need not read the rest, except you wish it?—No, you had better leave that out.

(*The Attorney-General.*) No, go on.

(*Mr. Asquith.*)—

" There is no need to tell who is Michael Davitt the secretary. The man who began the land agitation is surely a good officer for the American League. Mr. Davitt is a remarkable man; strong of will, clear of project, deliberate, bold, enterprising, with a sympathetic nature, a proud honour, and an unflinching determination to destroy British rule in Ireland; such a man is a power in himself.

" The Land League of America is to be congratulated on the election of such a board of government."

86,715. (*Sir C. Russell.*) What was the point of that discussion about the treasurer sending the money to the central body?—The Conservative element in the convention, represented by a priest, that Mr. Collins and others were anxious to have the money sent direct to Ireland, whereas the men of advanced views, like Mr. Devoy and Stephen Joseph Meany, were in favour of establishing a central treasury in America, to which the money would be sent in the first instance, and from which it would be forwarded to Ireland.

86,716. What was the result?—The result was that a compromise was come to. The Conservatives, or a large portion of them, agreed to the central treasury if the Rev. Lawrence Walsh, a priest, was appointed treasurer. The advanced men agreed to that, and the resolution was carried.

86,717. I may ask you before going on, did you know why the learned professor was alluding to the reference he made to Mr. Justice Byles as an authority upon the question?—I do not.

(*The President.*) I suppose it is in "The Fallacies of Free Trade." That is probably what is referred to.

86,718. (*Sir C. Russell.*) Probably, my Lord?—I may have read it, Sir Charles, in Henry C. Carey's work, but I cannot recall it.

86,719. Who is the author of these words which you cite in relation to the convention?—John Stuart Mill.

86,720. No, no. "Let us remember the words of one of Ireland's greatest sons?"—That is John Mitchell.

86,721. "The land is the fountain from which we all ultimately draw." I notice among the names mentioned there was Stephen Joseph Meany, whom you describe as belonging to the advanced section?—He so represented himself on that occasion.

86,722. He had been, in fact, in the young Ireland movement?—I think so.

86,723. Who is the Joseph Garfield?—Subsequently President of the United States, and unhappily assassinated.

86,724. I was not sure it was the same. I may ask you this general question, not confining it to this convention, but extending it to all the various conventions and meetings that were held in America over the whole period. You know that a certain



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

number of names have been frequently referred to here as men who have since been earmarked, or known as men of supposed very advanced views?—Yes.

86,725. Were they the poorer or the bulk of the people, or were all classes represented?—All classes amongst our people in America were represented on the Land League; but of course the vast majority of the members belonged to the working class. All our people in the United States ~~who subscribed the bulk of the money to~~ the Land League funds. But we had in every city where a branch of the Land League existed, professional men, judges, merchants, and men of the highest respectability.

86,726. Men in civic position, for instance?—In civic positions; government positions.

86,727. And is it true to say that the constitution of those bodies in the convention, and so forth, was confined to Irishmen? Were not men of all nationalities represented?—Many Englishmen, Scotchmen, Frenchmen, and Germans, and Norwegians, especially in Minnesota, became members of the Land League. I think at the Chicago Convention in 1880 there was a delegation from a purely English body of working men in Pennsylvania, who sympathised with the Irish cause.

86,728. Would it be true to say that at these conventions and meetings all nationalities, and all religions, and men of all positions, were represented there?—Perfectly true. With reference to the first question, a name has been mentioned among the convention. I think it is due to Dr. Carroll, of Philadelphia, that a letter that he wrote to the "Irish World" should be read, declining to act on the executive committee as he was not a member of the Land League. Dr. Carroll was then, and is now, one of the most respected and cultured gentlemen in Philadelphia, and he conscientiously objected to the Land League, and he refused to have anything to do with it.

86,729. Did he belong to what you call the advanced section?—Yes—in fact he is, I believe, the best known medical man in Philadelphia, and universally respected for his literary and other attainments.

86,730. I think you then proceeded on your organising tour visiting the chief cities on the American Continent and founding branches of the Land League?—Yes; but before starting out on that tour, I drew up ~~a~~ certain documents, copies of which you have got, and I would wish, with their Lordships' permission, ~~it~~ should be given. ~~It~~ <sup>They are</sup> ~~is an~~ official document, which I should like to be read.

(Sir C. Russell.) Subject to the Attorney-General's wish, I do not want to read them, I will hand them all in to be printed.

86,731. (The Attorney-General.) Where do these come from?—They have been in my possession from ~~time to~~ time; they were written by me and circulated by me, and these are the originals.

86,732. (The President.) Circulated in a separate form, or published in some newspaper?—Circulated by circular, and at the same time published in the newspapers.

(Sir C. Russell.) This purports to be a letter explaining the rules and constitution—the first, my Lord, that is put into my hands is—

86,733. (The Attorney-General.) I should like to know whether what is now to be read was something published in the newspapers, or something circulated privately?—No, these all appear in the newspapers—the "Boston Pilot," the "Irish World," and other newspapers.

86,734. Contemporaneously?—Yes.

86,735. (Sir C. Russell.) The first purports to be a cutting from the newspaper?—I think that was not sent out as an ordinary circular, it was published by the president, Mr. McCafferty, as a card from Lowell and sent to the press.

86,736. I do not think I need read it. It is president McCafferty's address to the Land League. I have glanced through it, the purport of it is that the moneys heretofore collected for the purposes of the League could not be appropriated to any other object, and that further funds were needed for the purpose of carrying on the movement. And then the next is an address of the Council of the Irish National Land and Industrial League of the United States of America. It begins, my Lord, with the general words of the appeal. I do not think I need read that part of it?—But please read the objects of the League as set forth in that circular.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,737. I imagine that the earlier part is what I may call the rhetorical portion. Then the objects of the League are set forth:—

“The National Land League of Ireland was formed for the following objects:—

“First.—To put an end to rack-renting, eviction, and landlord oppression.

“Second.—To effect such a radical change in the land system of Ireland as will put it in the power of every Irish farmer to become the owner, on fair terms, of the land he tills.

“THE MEANS PROPOSED TO EFFECT THESE OBJECTS ARE:—

*inculcating* “(1.) Organisation amongst the people and tenant farmers for purposes of self defence, and in ~~calculating~~ the absolute necessity of their refusing to take any farm from which another may be evicted, or from purchasing any cattle or goods which may be seized on for the non-payment of impossible rent.

“(2.) The cultivation of public opinion by persistent exposure in the press and by public meetings of the monstrous injustice of the present system and of its ruinous results.

“(3.) A resolute demand for the reduction of the excessive rents which have brought the Irish people to a state of starvation.

“(4.) Temperate but firm resistance to oppression and injustice.

“HOW THE LAND LEAGUE EXPECTS ITS SUPPORTERS IN AMERICA TO AID IT IN THIS WORK.

“Irishmen in America can give most effectual aid.

“First,—By enlightening American public opinion as to the working of the landlord system, and by exposing through the columns of the American press the oppressions and outrages which are practised on the tenant farmers of Ireland.

“Second.—By the immense moral influence which their support works on the people at home, encouraging them to be steadfast in the struggle, and not to give way to despair.

*u* “Third.—By contributing sufficient means to enable the League to carry on the movement in Ireland on such a scale as is necessary to insure success.

“PURPOSES FOR WHICH ASSISTANCE IS ASKED FROM AMERICA.

“Up to the present through want of money the League has been obliged to confine its operations chiefly to a few counties. The purposes for which funds are needed are:—

“(1st.) To enable the League to spread its organisation throughout the 32 counties of Ireland.

“(2d.) Pending the abolition of landlordism to aid local branches of the Land League to defend in the courts such farmers as may be served with processes of ejectment, and thus enable them to obstruct such landlords as avail themselves of the poverty of the tenantry, and the machinery of the law, to exterminate the victims of the existing system.

“(3d.) To enable the League to afford protection to those who are unjustly evicted. Already the League has been obliged to undertake the support of the families of the men who were recently sentenced to imprisonment for resisting eviction in one of the famine districts, and it is now supporting evicted families.

“(4th.) To oppose the supporters of landlordism whenever and wherever they endeavour to obtain any representative position in Ireland, which would be the means of aiding them in prolonging the existence of the present land laws and perpetrating the social degradation and misery of our people.”



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,738. Do you wish the rest read?—No.

(Sir C. Russell to the Attorney-General.) Do you wish the rest read?

(The Attorney-General.) No, I will put in cross-examination if I want anything.

(Sir C. Russell.) Perhaps, my Lord, as it is not very long, I may as well read it.

“As an auxiliary to the Land League in Ireland in the work it has undertaken to accomplish, the Irish National Land and Industrial League of the United States has been organised upon an appeal from the parent body. Its objects are to render moral and material assistance to the land movement in Ireland. In the conviction that the primary purpose of that movement can be furthered, and the best interests of Ireland protected and advanced by an equal solicitude for manufacturing, mining, fishery, and commercial industries now and for centuries past, prostrated by deliberate and selfishly hostile English legislation, we claim it to be a duty devolving upon all earnest Irish reformers to demand for Ireland the right to regulate and protect the various interests which build up the prosperity of an industrious people upon the foundation of their country's developed resources.

“We have therefore placed this addenda to the platform of the Land League of Ireland, and upon this programme for the social and industrial advancement of an oppressed and poverty-stricken people we rest our claim to solicit the good wishes of the American people and to ask for the earnest and organised co-operation of the Irish race in this country. No movement for political or social welfare has been initiated in Ireland for the past 50 years which failed to obtain the sympathy and support of her exiled children here. The chances of success were never calculated in order to regulate the measure of assistance to be given. A prompt and generous help was the answer to every appeal from the Motherland, no matter what party stretched forth its hand across the Atlantic, or what enterprise aroused the national spirit of a banished people. The cumulative results of unrelinquished struggles at home and of sustained generosity abroad has placed the Land movement in Ireland in the determined and conspicuous position it now occupies before the world. It wars only against injustice and misery, and aims at accomplishing only what is in accord with justice and reason. Its objects are the uprooting by fair and justifiable means of the system of Irish landlordism which inflicts famine, suffering, and discontent upon a people that is entitled to a share of that plenty, happiness, and contentment which every other civilised country has won and now enjoys. It is a movement which endangers no national principle nor asks its supporters to forego any reasonable or legitimate aspiration for the future of their country. It recognises no sectarian distinctions and refuses no progress of assistance from any class or any creed. It is a movement of Irishmen for Ireland and humanity, which endeavours to unite upon one platform men of all parties and religions to work out the common good of Ireland and its people. It asks from the Irish race the material help which is essential to success, and from the civilised world the sympathy and moral support which is necessary to secure it.”

86,739. My Lord, the next document is the circular which was circulated by Mr. Davitt, dated May 1880, and issued from the Central Offices, Washington Square?—And published in the papers of that date.

86,740. (The Attorney-General.) Have you a copy of that?—No, I have only one copy, it can be found in the “Irish World.”

(Mr. Asquith, reading):—

“Sir,—I beg to enclose you a copy of the constitution for the Government of the Irish National Land and Industrial League, adopted by the Central Council which assembled in New York on the 18th and 19th of May 1880, together with an address issued by that body to the Irish race in America. These documents will inform you as to what has been done up to the present towards the formation of a permanent organisation in this country, having for its object the rendering of moral and material assistance to the Land League of Ireland. Your co-operation in furthering this work is earnestly solicited. And it is the anxious desire of the Land Leaguers



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ of Ireland that all Irishmen in America, irrespective of religious or political differences, should unite with them in one grand movement for the overthrow of Irish landlordism; the following suggestions towards furthering that end by local organisation are respectfully submitted.

“ An invitation should be addressed to all the representative Irishmen of the city or county in which a branch of the League is to be formed. The signatures of some five or six influential men should be obtained for such circulars before being issued. The circular should be in the form of an invitation to consider the appeal of the Land League of Ireland for assistance in its efforts to remove the cause of famines in Ireland and secure for our people the ownership of the soil they cultivate. Such meeting duly convened, the Constitution of the Land League of America together with the objects of the Land League of Ireland, should be read and the advisability of organising a branch in connexion with the auxiliary body in this country might then be considered. In cities or counties containing large Irish populations it might facilitate the efficient and harmonious working of the movement if an executive committee were appointed for the purpose of dividing such city or county into suitable divisions, by wards or otherwise, and promoting the formation of branches in each of such divisions, as well as exercising a general supervision over the organisation within the district. Such an executive committee is not demanded by the Constitution, and if formed, either at the initiation of the movement in any city or county or organised by branches already in existence, should not interfere with the independence of any branch or its communications with these central offices, but it is suggested as a means likely to aid in the spreading of the movement in this country, and calculated to promote unity of action amongst those desirous of coming to the rescue of our impoverished Fatherland.

“ In order to secure the co-operation of the people in each ward or division the executive committee of each branch—or of the city or district if organised—should see to the appointment of two or more organisers or canvassers for each ward or division whose duty should be to call upon each person likely to aid the movement and solicit his membership for the branch or a subscription towards the sustainment of the Land League in Ireland. The executive committee of branches or cities could powerfully contribute towards the success of the land movement by organising lectures, picnics, demonstrations, &c. in aid of the funds of the Land League of Ireland, and by such measures keep the aims and objects of that body fresh in the minds of Irishmen, and influence powerfully the public sentiment of the American people.

“ Should a branch be formed in your city you will please supply me with the names of its officers and the other information required by the Constitution. It is needless to insist upon the vital necessity there is for *immediate* action upon this side in order to sustain the work now going on upon the other. The task of providing for the wants of those who are being evicted from their farms devolves upon the Land League of Ireland, and must necessarily entail a very heavy expenditure. This is a work of charity which must appeal to even those who might withhold their aid from the uprooting of a system which stands sentinel at the threshold of the homes of Ireland, and drives prosperity and comfort from the lives of their inmates, and must therefore appeal with greater force to those who believe in the abolition of those laws, and who are resolved to labour with the Land League of Ireland for that end. On the 4th July next the Irish societies and our people generally will celebrate the Declaration of American Independence by picnics, meetings, and other public manifestations of gratitude for the Charter of Freedom—which was won for this great country by combined American, French, and Irish valour. Can the year's celebrations be organised with the view of aiding the work of independence now progressing in Ireland—independence from famine, misery, social degradation, and all the causes operating against our parent country's contentment and happiness? I appeal on behalf of the objects of the Land League of Ireland to those who organise these annual demonstrations, to devote the proceeds this year to aid the Land League to support the people now being evicted in Ireland, and to



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ assist that body in the work of striking down the cause of famine and eviction  
 “ in that country for ever. Any suggestion by you as to the best means for  
 “ furthering the ends of this movement in your locality will be gratefully  
 “ received by

“ Your obedient servant,

“ MICHAEL DAVITT,

“ Central Secretary.

“ May 1880.

(*The Witness.*) I do not think the other documents matter, Sir Charles, you might hand them to the Attorney-General if he cares to read them. Then I would like you to read the rules of the local branches; they are very brief. One of the documents contains an audit of my financial accounts while in charge of the League.

86,741. (*Sir C. Russell.*) There is a passage I should like to read in one other address dated 26th October 1880. “To the members of the Land League branches and the friends of Ireland and America.” That was at the time you were in America?—Yes, shortly before I returned.

86,742. And when the Government had announced what has been called the coercive policy?—I think it was on the eve of a State prosecution, the prosecution of the Executive of the Land League in Ireland, which preceded the proposal to resort to coercion.

86,743. You say:—

“ The English Government has once more resorted to its traditional policy of  
 “ coercing Ireland, and freedom of speech and the right of public meeting in the  
 “ person of Charles Stewart Parnell and his associates on the Land League are  
 “ again to be trampled under foot by their unprincipled and hypocritical enemy.

“ Whence the justification for this muzzling of the leading men of Ireland  
 “ to-day, and for striking down a public organisation which represents and  
 “ advocates the cause of our impoverished people?

“ There has been no incitement to insurrection or appeals to revolutionary  
 “ remedies either on the part of the Land League or any of its members singled  
 “ out for prosecution. Nothing has been hidden or disguised from the emissaries  
 “ of the Government in connexion with the land agitation. Care has been taken  
 “ that the platform of the Land League should stand within the bounds of even  
 “ the fraudulent constitution which treachery and corruption imposed upon our  
 “ country by the infamous Act of Union. Outrages and acts of violence have  
 “ been discountenanced at every meeting and by every member of the League,  
 “ while nothing has been done or attempted that should challenge the application  
 “ of those powers by which England delights to crush the national aspirations of  
 “ our race. Yet all the legal machinery of its Government is now to be employed  
 “ in procuring the conviction and imprisonment of Mr. Parnell, together with  
 “ that of the executive and leading members of the Land League organisation.  
 “ And why? The landlords of Ireland demand it. That class of men whom the  
 “ London ‘Times’ once stigmatised as the ‘cutpurses of the British Empire’ are  
 “ howling for vengeance upon the Land League, and a Liberal Government has to  
 “ obey the mandate of a few thousand individuals, and trample upon the few  
 “ remaining privileges of five millions of the Irish people.”

[*The document was handed to the Attorney-General.*] You mean the rules and byelaws for the local organisations, is that the thing?—Yes, that is the last I ask to be read.

(*Sir C. Russell.*)

#### “ RULES AND BYLAWS FOR LOCAL ORGANISATIONS.

“ 1.

“ Name: The name of this branch shall be the Irish National Land and  
 “ Industrial League of . . . . .

“ 2.

“ Object: The object of the association shall be the rendering of moral and  
 “ financial aid to the National Land League of Ireland.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

" 3.

" Government: The officers of this association shall be a president, vice-president, secretary, and a treasurer, to be elected by the general body.

" 4.

" Branch Organisation: Each branch organisation, in wards or otherwise, to elect a chairman, secretary, and treasurer, also one delegate from their body to represent the branch on the executive committee should an executive be resolved upon.

" Ward Organisers: Two members of each branch shall be appointed as ward organisers or canvassers, whose duties shall be to organise the ward or division of such branch and canvass for members or assistance for the Land League of Ireland.

" Ward organisers can solicit subscriptions for the Land League of Ireland from persons who do not desire to become members of a branch organisation. Such subscriptions to be entered in the treasurer's book as donations, and forwarded, with membership fees, &c. to the central office.

" 5.

" Membership: Any person paying the sum of one dollar towards the objects of the association becomes a member, and is entitled to a card of membership. The dues shall not be less than one dollar per annum.

" 6.

" The various ward organisations shall report once every three months to the central secretary, and produce their accounts whenever required.

" 7.

" The treasurer of each branch shall forward to the treasurer of the central council, for transmission to the Land League of Ireland, all moneys which may come into his hands, less necessary expenses for rent, stationery, &c.

" 8.

" The treasurer of this branch shall pay all necessary expenses for printing, postages, stationery, rent, and such other legitimate expenses as may be incurred.

" 9.

" The secretary shall keep a list of all the members of his branch, write the minutes of branch meetings, join with the treasurer in a monthly report to the central offices, and perform the other clerical work of the branch.

" 10.

" The executive committee, wherever organised, shall hold a stated meeting at least once a month. They shall elect a chairman and secretary from their own body, and shall have the general supervision of the branches in a city or county. The officers of a branch in a city or county, including branch organisers or canvassers should form the executive committee.

" 11.

" Each branch shall hold stated meetings at least once a month, and annual meeting on the second of January for the election of officers and for the transaction of such other business as may be brought before it.

" 12.

" The officers first elected by a branch shall hold office until the second Sunday of January 1881, or until their successors shall be elected.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ 13.

“ These rules and byelaws may be amended by local branches, if so required, providing such amendment shall not conflict with the constitution of the central body.

“ 14.

“ Special meetings of the branch may be held on a call by one-fifth of its members, or by the executive committee, and it shall be the duty of the secretary to call such meetings. Three days' notice at least of special meetings must be given.

“ These rules and byelaws are issued subject to the approval of the central committee at its next meeting.

“ MICHAEL DAVITT.

“ Central Secretary.”

(The Witness.) I have given a copy to Mr. Atkinson.

86,744. (Sir C. Russell.) Now, during the time you were engaged in this work of organising, you became aware of the intended prosecution of a number of the leading members in Ireland on the popular side in what was known as the Government prosecution of 1880?—Yes.

86,745. Which resulted in the jury disagreeing?—In practically an acquittal.

86,746. And you thought it was your duty to be with them as you had taken an early part and a prominent part in starting the movement?—Yes, I thought if a State prosecution was going on in Ireland I ought to be there.

86,747. And accordingly you returned and were included?—No, I was not included.

86,748. I thought you were; you told me some little time ago that the last meetings in any connexion with the Fenian organisation which you attended in Ireland you attended on the occasions you have told us of in 1879?—Yes, I think about August or September 1879, as well as I can remember.

86,749. When you were in America on the organising tour, did you attend some five or six camp meetings of the Clan-na-Gael or the U. B. organisation?—About that number, but I might have attended more; whenever I was invited to go to any meetings of Irishmen, either in America or Ireland, I always went, whether they were Orangemen in Ulster or Clan-na-Gaelers in America.

86,750. I want you to tell my Lords why you went to those meetings, and what you did when you went to those meetings?—I went chiefly to explain what the Land League movement was, and to try and prevent the Clan-na-Gael organisation in America from attacking the Land League in America. I was invited on each of these occasions to attend these meetings for the purpose of explaining what the agitation of the Land League in Ireland was. The Dublin “Irishman,” which was then edited by the late Mr. Pigott, attacked the Land League in Ireland, and in America, attacked me personally, and it had some circulation at that time among men in America, and anticipating the same efforts that were made in Ireland to get the I. R. B. to attack the Land League would be made in America—

86,751. Through the U.B.?—Through the U.B.

86,752. Did you honestly try by putting forward the advantages, as you conceive them to be, of an open land movement, to win them to the same course?—I tried to win their support to the Land League as I had tried to win the support of many classes of Irishmen.

86,753. Not merely in your speeches, but in conversation with individual members?—In private conversations and interviews, as well as in speeches. Being a member, or having been a member of the Supreme Council, I had the virtual entrée to the Clan-na-Gael, which at that time embraced some of the best men of the Irish race in America.

86,754. I should just like to ask you about one or two of these. I think you attended a meeting, did you not, at a town which includes the man Le Caron or Beach amongst?—It included him among the population.

86,755. That is Braidwood?—At Braidwood I attended a public meeting which, I think, he organised; whether I attended a camp meeting there of which Beach was an officer, I do not know.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,756. I think that meeting was held some time at the end of August or the beginning of September, at any rate it is reported in the "Irish World" of the 4th September 1880?—Yes, I think, if I am not mistaken, upon that occasion I was the guest of that man Beach. It is a long speech, but that is an extract from it, but it will be found fully reported in the "Irish World," and Le Caron or Beach was on the platform while that speech was being delivered.

86,757. The "Irish World" of the 14th September 1880, page 5, reports it fully; this only purports to be an extract of it, but the whole can be referred to. It is at Braidwood, Illinois.

(Mr. Asquith.) [Reading.]

and 19  
 "Hitherto our methods have been futile, our strength has been wasted, and  
 "at the end of each abortive attempt, despair and discouragement have rested  
 "upon us. Experience has taught us that our worshipping of idols like O'Connell  
 "and others, ~~that is~~, our appeal to arms, that our desires to gratify revenge and  
 "exciting of ~~the~~ impulses and sentiments, were vain and useless. Though no  
 "nation or people ever had greater cause for a just indignation and revenge  
 "than ours, they neither boded or worked any good results. They courted what the  
 "English Government wanted—our defeat as law and order breakers—and at each  
 "attempt on our part she was half justified in the eyes of the world in chastising us.  
 "Our impulses fed themselves on poetic victories, and our means and lives were  
 "sacrificed in these unreasoning directions. To-day we let our reasons govern,  
 "we fight landlordism with different weapons, we keep inside the law, we do what  
 "all the world will justify, we refuse to see our families starve before our eyes  
 "while the landlords live in luxury on what our exertions raise.

"We have paid, according to Government valuation, many times the price of  
 "the land, and in addition to this, as God has given it to us by right of a just  
 "occupation, we will not be dispossessed of it. How will we do this? I will  
 "tell you, but first let me state why we are becoming so strong and united. In  
 "former methods, when we told them to shoulder the musket or handle the pike,  
 "we invited them to violate the law, with little hope save death or imprisonment,  
 "and such was ever the result. Now we show them how beggary and starvation  
 "are to be avoided by union, and that eventually they are sure to be the possessors  
 "of the land. That the British Government could not fight a peaceful movement  
 "of this nature, and that what was already gained was a promise of certain  
 "victory. This movement is not confined to Ireland alone. Already it begins  
 "to animate the hearts and minds of the English and Scotch, and the time is not far  
 "distant when they will all be united as one man to crush out the system of  
 "land ownership that is their curse and bane \* \* \*  
 "Some there be who say shoot the landlords. To this we say no, a thousand  
 "times no. It will do no good, it will do a great deal of harm. We stand in  
 "need of the moral support of the world. People are very much averse to the  
 "shedding of human blood, and wherever and whenever our people adopt this  
 "course we subject ourselves to the disapproval of those who aid and desire our  
 "success. No, my friends, it will not do to shoot the landlords, we must shoot  
 "the system that makes the crime possible. With the destruction of the system  
 "on which this robber class exist they will pass quietly and peaceably out of  
 "the way, and we who labour to compass a bloodless reform will feel much  
 "better than though we had given unwise counsel or been partakers in sanguinary  
 "strife. No, my friends, we need resort to no such paltry means of defence.  
 "If there must be murder let the hands of those that uphold a Government that  
 "permits such cancers to exist on the body politic, be the only hands that drip  
 "with the gore of their fellowmen.

"I think you understand the principles on which the Irish Land League  
 "looks for and expects success. And we are conscious, as are the landlords  
 "throughout the British Empire and throughout the civilised world, that our  
 "success means simple justice to the despised and oppressed toilers."

86,758. (Sir C. Russell.) I believe you have got extracts, or indeed reports of a  
 number of speeches that you made?—Oh, yes, a large number in America as well as  
 in Ireland. Too many of my speeches have been read already, and I do not want to  
 inflict any more of them upon their Lordships; they have been very indulgent indeed



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

upon it. But you have some there delivered in America at various times, and speeches delivered in Ireland also, and there are also some which have not been read.

86,759. I see amongst those which you have given me here, and probably their Lordships will be grateful for what you have said, that you made a speech on the 21st August 1880, at St. Louis, the one I have just read of the 4th September at Braidwood, one on the 30th October at East Broadway, New York, one at the Academy of Music, New York, that is in a later year 1882, one in Providence, Rhode Island, on the 6th July 1882, one in September 1886 at Lincoln, Nebraska, and others. I must ask you generally, the Attorney-General can have them if he desires them, or can refer to them if he desires them. Did you in all the speeches that you made honestly insist upon this movement being one free from crime, and open and constitutional?—I did.

86,760. Did you honestly do so?—I did so honestly because I believed, with reference to the movement, that was the best policy. I do not want to claim for myself any more credit than is due to every other prominent member of the Land League; they all denounced crime and outrage, and spoke against those matters just the same as I did.

86,761. Apart from any higher motives, or any view that moralists may take, did you honestly believe that it would injure the success of the movement if it were to be committed to any connexion with crime?—I was certain from my own experience in America that nothing could defeat the Land League sooner than the prevalence of outrage, but at the same time, when denouncing outrage perpetrated by a maddened peasantry, I always denounced landlordism as the seat and source of every agrarian dispute in Ireland, and I have denounced it in my speeches and utterances, and I have conscientiously believed all my life that that will be so as long as landlordism remains in Ireland.

86,762. I would like to ask you one or two general questions. First of all as regards the U. B. in America; I think that afterwards came to be practically called the Clan-na-Gael, did it not?—I think the Clan-na-Gael is its public or popular name.

86,763. That in its literal translation means the people of the Gael, the Irish people?—Sons of the Gael, sons of the Irish people.

86,764. Did you ever understand that the Clan-na-Gael was, as I think the phrase has been used in one of these libels, “a murder club”?—No, I know it was nothing of the kind, that it was no more, in those years, a murder club, than the Carlton Club, nor do I believe that it is true of it at this moment.

86,765. Whatever individual members of it may have done, that is another matter?—I know nothing about that, I am speaking of it as I know it.

86,766. What do you say as regards the people connected with it?—I have already said, I think, that when I was intimate with it in 1880, it embraced some of the best men of the Irish race in America: judges, professional men, merchants, men of the highest respectability, men of civic and Government position, men who would have nothing to do with such an organisation if it countenanced crime or assassination, in anyway.

86,767. Whatever its constitution was, what its true character was, I wish to ask you this question, and just consider it before you answer it. You have told us that you addressed some camp meetings, and tried honestly to bring them to a belief in open constitutional methods?—My object was primarily to prevent an attack upon the Land League. All Irish-Americans are very enlightened people, and they will judge for themselves; but my real object was to prevent an anticipated attack on the Land League; and whenever I was invited to any of these meetings I always went; and if I went to America to-morrow and was invited I would go.

86,768. And with that object you welcomed the support of any person who appeared to you honestly to come and subscribe to the objects of the League?—Yes, and welcomed an opportunity of explaining what the Land League was, what it would do for Ireland, and how we meant to achieve that end.

86,769. You have heard the evidence of Beach, and you conveyed an impression, I think, rather by insinuation than by direct statement; was there to your knowledge, in any shape or fashion, directly or indirectly, any alliance between the U. B. or the Clan-na-Gael and the Land League movement in Ireland?—None whatever, beyond what the membership of the Land League by prominent Clan-na-Gaelers might imply,



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

they being individual members like hundreds of thousands of the Irish-Americans who were not members of the Clan-na-Gael, but were members of the Land League.

86,770. I should like, in reference to this, to ask you; you were, you have told us, at one time an active Fenian, a member of the Supreme Council; what would you say was the membership of the Fenian body in America as compared with the membership of the Clan-na-Gael?—Do you mean the earlier Fenian movement?

86,771. Yes, in 1867?—I would say there would be at least half a million of members in 1866 and 1867. Of course I am not speaking from absolute knowledge. I was not in America at the time, but from what I have learnt subsequently I would say there was between 300,000 and 500,000 members, probably half a million.

86,772. We have heard the comparative figures of the Clan-na-Gael, which were comparatively insignificant?—I knew nothing about the total membership of the Clan-na-Gael; but from what has been said here I would say it is very insignificant as compared with the other.

86,773. What do you say has been the effect upon political feeling in America, amongst the Irish people particularly, of the open Land League and National League movement in Ireland?—The effect has been to win to Mr. Parnell and his movement the unqualified support of the entire Irish race in America, and it has also had this extraordinary effect: it has caused the very bitter feeling which once existed in the minds of Irish-Americans towards England to largely disappear, especially since Mr. Gladstone's policy was brought forward. I was astonished when I went to Chicago in 1886 to find men who had been very bitter towards England in previous years speak altogether in a different way.

86,774. I wish to ask you about another person and about another paper which has been before adverted to. How long have you known Mr. Patrick Ford of the "Irish World"?—I met Mr. Patrick Ford for the first time on the occasion of a lecture I delivered in Brooklyn, I think about September or October 1878, and whenever I have gone to America afterwards his was the first house to which I bent my footsteps in New York after arriving, and I may be allowed to say this about him: He is a man altogether misrepresented in England. I know a large number of people in America and in Europe and I have yet to meet a better man morally and as a Christian and as a philanthropist than Patrick Ford.

86,775. Now I would ask you in reference to his paper—one period of his paper particularly—up to 1883, so far as you are aware, had the "Irish World" in any way countenanced or suggested the use of dynamite?—I think not. Before the land movement was started in Ireland, it had advocated the Skirmishing Fund policy, which was started by O'Donovan Rossa, but when the agitation sprang up in the West of Ireland it ceased to advocate resort to revolutionary methods, and gave the Land League in Ireland a continuous and generous support up to what is known as the Kilmainham treaty.

86,776. Then from the time of the Kilmainham treaty and the release of the political prisoners, Mr. Parnell and others, which would be in May 1882, I think —?—Yes.

(*The Attorney-General.*) I would rather you did not lead as to this, because there is evidence.

(*Sir C. Russell.*) We have had the papers.

(*The Attorney-General.*) That is the reason I interpose.

(*Sir C. Russell.*) I ought perhaps not to put a leading question.

86,777. After the release of Mr. Dillon, Mr. Parnell, and others (and your own release, by the way, from Portland), did it change its attitude or not?—Not immediately after, but a few months subsequently. I think after the establishment of the National League in Dublin, the programme of which Mr. Ford thought very reactionary and conservative, the "Irish World" began to change its policy, and I regret that a few months after Mr. Ford openly advocated a resort to dynamite.

86,778. What attitude did you take in reference to that matter with Mr. Patrick Ford?—Well, I think I wrote to Mr. Ford and to his sister, Miss Ford, reasoning with him against a resort to any such policy, and I think in public letters and public speeches about that time I took up the same attitude. I think I may claim that ultimately I largely succeeded in inducing Ford to abandon the policy of dynamite, and come back to a policy of moral force, which he is now honestly advocating in his paper.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,779. So that it was from a period of about the autumn of 1882 or 1883 that he for a time advocated that policy?—I think the beginning of 1883; and I may be allowed to say this: I think it was a resort to a policy of coercion after the unhappy events of 6th May that largely influenced the “Irish World” in its propaganda of violence.

86,780. You have had, have you not, some connexion with the paper itself?—Yes, I was correspondent for the “Irish World” during a brief period in 1879 and, I think, 1880. I wrote altogether about six letters, which I sent by post, and about a dozen small cabled letters. I have got copies of them, and will give them to the Attorney-General if he wants to have them. During that time the “Irish World” was advocating the policy of the Land League.

86,781. Can you give me the date of the letter which has been read in the course of the case, which you wrote in reference to that dynamite policy?—No; that was a letter written to Mr. Ferguson. I have a copy of a letter I wrote to Mr. Ford; but I do not think it was published. I have written to Mr. Ford asking him about it, and he has no recollection. If it has not been published I scarcely think it would be fair to read it here, but I have the copy.

86,782. At all events, you have a copy of the letter?—Yes, I have; but I do not think the letter was published.

86,783. (*Sir C. Russell*). I will give you the reference to that letter. It is at page 3828. It was read by me in the course of my address to your Lordships?—You will find the original of that letter to Mr. Ferguson, and copies of letters addressed to Mr. Ford and Mr. Danvir, of Liverpool, on the same subject here. \* Two of them had been published [*passing an envelope to the learned counsel*].

86,784. At all events in that you took an attitude of opposition to that evil policy of dynamite?—Yes.

86,785. At the bottom of page 3829, I should like to read one passage in relation to Ford:—

“ It is true, and I regret it exceedingly, that Patrick Ford is represented in late despatches as having gone in with the dynamite party, and this acquisition, if really made, will lend to it a power which it could never otherwise obtain. From ‘spreading the light’ to educate, to advocating dynamite, which must destroy the movement of social reform, is an extraordinary change, indeed, in the opinions of a man who has been so strenuous a supporter of the moral force doctrine; and I can hardly believe that Patrick Ford has altogether abandoned reason for Rossa. Principles of reform, intelligently and fearlessly propagated, are far more destructive to unjust or worn out systems than dynamite bombs, which only kill individuals, or knock down buildings, but do no injury to oppressive institutions; and that man must be politically blind who cannot see that the firing of ideas of ameliorative social reform into the heads of England’s toiling millions, is infinitely more likely to hasten the solution of our own national and social problems, than will be the blowing down of houses and the killing of innocent persons among these very millions. Any course of action on the part of Irishmen that would be calculated to consolidate thirty millions of people into a unit of deadly antagonism against every form of Irish political movement—and perhaps of retaliation upon seven millions of our race in Ireland and Great Britain—must be the proposition of a madman. The dynamite theory is the very abnegation of mind, the surrender of reason to rage, of judgment to blind unthinking recklessness, and can only be equalled in unconscious imbecility by advocating the substitution of gunpowder for coal, to hasten the process of generating steam.”

That is strong enough. That expressed your views which you have always entertained and expressed?—Yes. I have been opposed to the use of dynamite, because I do not think it is manly or honourable warfare; but do not understand me as saying I am opposed on principle to the use of physical force.

86,786. No, I do not understand that; if there is a legitimate cause and a reasonable prospect of success I presume?—If there was a reasonable chance of success in Ireland, the Lord knows we have had sufficient cause.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,787. Now, I have one thing to ask you, as I am in this connexion. Some statement has been made in reference to the circulation of the "Irish World" in Ireland?—Yes.

86,788. So far as you know, had the League anything to do with that or with the paying for the doing of that?—So far as I know, no one had anything to do with it but myself.

86,789. When was it that in fact you were a party (I will ask you in a moment how) to the dissemination of the "Irish World"?—I think in 1879. I do not know about 1880, because I was out in America during the greater portion of 1880, but I may have circulated, or had circulated, some of the "Irish World" in the beginning of 1880.

86,790. How had you done that?—I got parcels consigned to me by Mr. Ford. These I had sent to different parts of the country, I paying for the postage. Occasionally I went to the agent of the "Irish World" in Bolton Street, Dublin, Mrs. Keogh, and I got her to send copies, I paying the postage.

86,791. Who paid for any expense; they were sent gratuitously?—They were sent gratuitously, because Mr. Ford had what was called a "Spread the Light" fund. He appealed to the readers of the paper in America to supply the means of sending the "Irish World" to Ireland. I got the papers, paid for postage, and the Land League had nothing whatever to do with it beyond that. At that time I appreciated very much the doctrines of personal independence that were taught in the "Irish World." The farmers of Ireland were then, and had been for generations, mere slaves to the landlords and to their agents, and I wanted to teach them the doctrine of upright manly independence. The "Irish World" preached those doctrines at that time.

86,792. One other thing I have to ask you as to which the Attorney-General made a statement the other day, which I think was not quite accurate, that it had been proved rather at the Dublin State trial of 1880, that the Land League had paid for the dissemination of what was called 'Pandeen O'Rafferty's Commandments.' You have something to say, first of all, about the form of that?—Yes, I was the author of that.

(*The President.*) What is the page of that report?

86,793. (*Sir C. Russell.*) Page 531?—I was the author of that, briefly.

86,794. What do you say about the form of it?—Well, I regret that it appeared to be a parody of the Ten Commandments. I think it is very wrong for any man who is a Christian to use sacred language even to propagate what he considers sound ideas; but I wanted to speak to the tenant farmers of Ireland in their own language so as to get them to agree with me on the land question. I wrote that pamphlet and paid for its circulation. I do not think a penny came out of the Land League funds for that purpose.

86,795. Then I understand you to say that while you regret the form of it, you believed in the substance of what you there set forth?—Certainly, and do now believe in every sentiment I then expressed. If I had to do it again I certainly would not take the same course with reference to the Ten Commandments.

(*Sir C. Russell.*) My Lord, the Attorney-General stated that it was proved at this trial that it had been paid for by the Land League.

86,796. (*The Attorney-General.*) I may say at once I had not in my mind the least distinction between Land League and Mr. Davitt. If that had been the point I should admit it at once. I did not at all draw any distinction between Mr. Davitt and the Land League. My friend may take it I was referring to Mr. Davitt. I make no point or distinction of that kind?—I was not the Land League at that time.

86,797. (*Mr. Justice A. L. Smith.*) What date was it?—I think it was in the latter part of 1879 or early in 1880—I fancy the latter part of 1879. I think the date is on the leaflet. I have not it here, but I can get a copy if the Attorney-General wants to see it.

(*Sir C. Russell.*) I read this from the report.

(*Mr. Justice Fitzgerald.*) The paper now produced—was that printed in your office?

—To the best of my belief it was.

(*Mr. Murphy.*) Do you know from whose instructions?

86,798. (*The President.*) I do not think it appeared at that trial that you were the author of it?—I do not know whether it did.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,799. (*Sir C. Russell.*) I do not know?—I do not think it appeared during the proceedings, but it was well known in Dublin.

(*The President.*) I was only wanting to know whether it was proved.

(*Sir C. Russell.*) My Lord, I am not aware. I cannot tell your Lordship. This is from the report of the trial. The paper now produced—was that printed in your office?—To the best of my belief it was.

“(Mr. Murphy.) Do you know from whose instructions?—I do not. (Q.) Have you got any entry in your book that would tell?—Yes. I know who it was charged to and paid by. (Q.) By whom?—Mr. Davitt. (Mr. Justice Barry.) What document is it? (Mr. Murphy.) Páideen O’Rafferty’s Commandments.”

That is, I think, all about it.

86,800. (*The Attorney-General.*) Mr. Davitt was not a traverser in that trial?—No, I was in America. I would have been if I was in Ireland.

86,801. (*Sir C. Russell.*) Then I think there were other things charged to the Land League, 200 posters, 50 posters, 200 letters, 5,000 eight-paged letters, Mr. Devoy. Now, in reference to Mr. Devoy, will you just tell me whether or not that is the letter of Devoy’s which was printed, not the one which has been referred to [*Passing one*]?—This is the letter. The one which was referred to by the Attorney-General was never printed in this form or circulated in any way by the Land League. That was printed.

86,802. (*The Attorney-General.*) Is this one of the original ones?—Yes, this is one of the original ones. It was printed along with one from Mr. Matthew Harris, and circulated along with that at the time.

86,803. Where is the Matthew Harris one?—I think I have got a copy.

86,804. (*Sir C. Russell.*) He does not mean on the same piece of paper?—No, a separate leaflet.

(*The Attorney-General.*) I do not want it read again. I should like it marked.

86,805. This is one of the original ones?—Yes.

(*Sir C. Russell.*) It is really not very important, excepting on the ground of accuracy. It is not the one which was supposed to have been circulated by the League.

86,806. (*Mr. Justice A. L. Smith.*) It is headed, “Proposed New Departure”?—This is not the proposed new departure

(*Sir C. Russell.*) Your Lordship is right. It was the new departure which was suggested by the Attorney-General as having been circulated by the League.

(*The Witness.*) I will give you one, Mr. Attorney. [*Passing one.*] And this is the Matthew Harris one circulated at the time.

86,807. Have you a copy of the Páideen O’Rafferty publication?—I have not one with me, but I can wire for one to-night, and it will be here to-morrow morning.

86,808. (*Mr. Justice A. L. Smith.*) Can you tell me, Mr. Davitt, when that letter of Devoy’s and Mr. Matthew Harris’s were sent out? About what date?—I think about June or July, my Lord. The date is on the bottom of the letter.

86,809. (*The President.*) The date of the letter is June 18th, 1880?—It appeared in the “Freeman’s Journal.” It was sent to the “Freeman’s Journal” and it was printed in that form and sent out by the secretary, Mr. Brennan.

86,810. (*Sir C. Russell.*) The way in which it comes is this: Devoy sends his letter to the “Freeman’s Journal,” and it is there printed?—It is an attack upon the “Irishman,” for attacking, in the name of the extreme party, the Land League.

86,811. I only want to get the history of it. Mr. Devoy from America writes this to the “Freeman’s Journal”?—Yes.

86,812. Who published it?—Yes.

86,813. Then the Land League, in order to prevent these attacks upon the Land League as far as Devoy may have influence, circulated this in the country?—Along with a letter of Mr. Matthew Harris’s that appeared at the same time, and was written for the same purpose.

(*Sir C. Russell.*) Perhaps they had better be read now.

(*The President.*) Yes, I think so.

(*Sir C. Russell.*) Except the postscript of Mr. Matthew Harris’s letter, I do not see anything in it objectionable at all.

(*The Witness.*) I think it is fair and just to Mr. Harris the letter should be read.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*Sir C. Russell.*) Very well, we will have both read, my Lord.

(*The Attorney-General.*) Mr. Ronan says the whole of Mr. Matthew Harris's letter is already in. Therefore, we need not read it again, if that is so.

(*The President.*) Just refer us to the page.

(*Mr. Ronan.*) It will take a little time to find it.

(*The Witness.*) I do not think it is.

(*The Attorney-General.*) I remember the postscript very well about "secret versus open action."

(*Sir C. Russell.*) The whole point of the letter is in the postscript apparently.

[Adjourned for a short time.]

(*Sir C. Russell.*) My Lord, Mr. Matthew Harris's letter is already printed at page 1932. That, therefore, need not be read again.

(*Mr. Lockwood.*) Then, my Lord, this is the letter of John Devoy on the political situation.

"JOHN DEVOY ON THE POLITICAL SITUATION."

"The following letter has appeared in the 'Freeman's Journal.'"

"New York, June 18th, 1880.

"Sir,—Some eighteen months ago you were good enough to publish a letter of mine, roughly sketching out a plan by which I and many others who had given some attention to Irish affairs, thought a common basis of political action might be arrived at between several sections of the Irish people, then separated by strong differences of opinion, but having many objects in common.

"That letter and some public utterances of Mr. Michael Davitt, of a similar tendency, were made the subject of hot discussion at the time, and in the rather animated controversies which have recently taken place in Ireland, allusions, more or less direct, have been frequently made to the policy supposed to be indicated in these pronouncements. I have no wish to go over the same ground again, and I am quite satisfied with the progress already made in placing Irish National politics on a broader and more comprehensive platform, although much yet remains to be done. Many incidents, however, which have occurred within the past few months, many statements made in the course of your late warm discussions, prompt me to again ask space in the 'Freeman' for some remarks on the present political situation in Ireland.

"The discussions I refer to have, of course, mainly dealt with the land question, and considerable attention has been given to the supposed attitude of the Nationalists towards it. But in some quarters the controversy has taken a much wider range, and, looking over the Irish papers for the last three months, a good deal of strong language is to be found on the merits of agitation in general, as a means of obtaining a political end; and on the personal character of the agitators now at work among the people, in fact, it is hard to find a subject, from the reconstruction of human society, or the creation of a brand new famine-proof Ireland, to the 'dictatorship' of Mr. Parnell, that has not been fiercely argued. You have had meetings smashed up, and abortive attempts to smash up others, and gentlemen of standing in the National movement, who have been rather outspoken in denouncing such practices in the past, have either maintained a suspicious silence regarding these disturbances, or said in substance, 'don't nail his ears to the pump.' Then comes the explanations, recriminations, abuse of individuals, insinuations of unworthy motives, and the usual incidents of an Irish controversy. Everybody, as usual, is right; and everybody else is wrong. No Irishman ever makes a mistake, nor can he ever find anyone who cares a rush for the country but himself. And it is in the name of Ireland that everything is done, whether it be the tearing of Mr. Parnell's trousers, the breaking of a head, or the back of a chair in the Rotunda, or the shying of a rotten egg, supplied by the Dublin liquor dealers, at Mr. A. M. Sullivan. 'Oath-breakers have been pitched into' in a style to satisfy



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ the most rigid moralist, at least, if the moralist did not know that it is only  
 “ ‘oath-breakers’ who support the Land League, who are denounced; in fact  
 “ one would think that there were no ‘oath-breakers’ at all on the other side, if  
 “ one had no other evidence than the support given to some, and the charitable  
 “ silence extended to others in lieu, it may be supposed, of the important service  
 “ rendered ‘to Ireland’ by opposing other ‘oath-breakers’ who are on the wrong  
 “ side. All this has not appeared in the ‘Freeman,’ but the results have taken  
 “ up a considerable amount of your space.

“ While on this subject of ‘oath-breaking,’ permit me to set myself right  
 “ with regard to a rumour that has recently been circulated about me. Although  
 “ of a personal nature, it has also a political bearing, and, I believe, was started  
 “ with a view to create some disturbance in a certain rather numerous section of  
 “ the Irish National party. I find the following paragraph in several of the  
 “ ‘Irish’ papers recently come to hand:—

“ ‘Mr. John Devoy, one of the authors of the ‘new departure’ in  
 “ ‘Irish politics, in which the alliance between the Fenians and the  
 “ ‘Parnellites was proposed, will, it is stated, become a candidate for the  
 “ ‘county Tipperary, in the room of Mr. P. J. Smyth.’ ”

“ This statement is sheer nonsense, and I think I am justified in believing it  
 “ had its origin in malice. I would not enter the British Parliament if by any  
 “ chance elected. I would not under any circumstances take an oath of allegiance  
 “ to the Queen (or King) of England, and I entirely disapprove of Nationalists of  
 “ my opinions and connexions doing so. All my friends in the National move-  
 “ ment know this; and therefore I cannot believe that the author of the state-  
 “ ment is a friend of mine, either personally, or politically. Mr. Smyth has, I  
 “ am glad to see, reconsidered his resolution to resign, but the publication  
 “ of the paragraph has, nevertheless, served the purpose for which, I feel  
 “ certain, it was intended, viz., to make it appear that I am anxious, or  
 “ at least willing, to go into Parliament. The reference to the ‘new depar-  
 “ ture’ leaves no doubt of this on my mind, and I shall not be surprised  
 “ to see the paragraph in question made the text for articles, letters, and  
 “ speeches, denouncing my ‘departure from the true path,’ and my ‘aban-  
 “ donment of the physical force party’ of freeing Ireland. Of course, I  
 “ can stand any amount of that, especially from people who, if on the ‘true  
 “ path’ at all, are sitting down, idly blocking it up, and impeding all  
 “ movement, or following paths leading nowhere. I can afford to disregard abuse  
 “ from ‘patriots’ whose ‘physical force policy’ is confined to smashing the heads  
 “ and tearing the breeches of men who differ slightly with them in opinion, with  
 “ an occasional variation in the way of a volley of rotten eggs. Whether the  
 “ volley be fired in the interest of the Irish whisky trade, or in that of even a  
 “ shadowy Irish Republic, I must take the liberty of doubting the powers of men  
 “ trained in such tactics if placed in front of a police barrack or a platoon of  
 “ British infantry; and my conviction that if we have to wait for an Irish  
 “ Republic, or a free Ireland of any kind, till the work can be done by such men,  
 “ and such methods, the ‘crack of doom’ will come and find us still waiting.  
 “ Fortunately, however, the Nationalists who believe in these practices are very  
 “ few in number, and many of those who participated in the recent disgraceful  
 “ proceedings were induced to do so by misrepresentation of the worst kind. I  
 “ have not the slightest doubt that the rumour about my intention to become  
 “ a candidate for Tipperary was deliberately set afloat for the simple purpose of  
 “ making certain young men believe that I also was a ‘deserter.’

“ There are many people in Ireland unfortunately who can be influenced, at  
 “ least for a time, by the dexterous use of high-sounding phrases, and by the  
 “ affectation of a rigid adherence to principle which is made the excuse for  
 “ inaction and the cloak for personal malice. Very few have the means of  
 “ finding out the hollowness of all this cant about ‘the true path’ and the  
 “ slightness of the wear and tear to which that thorny path is subjected by the  
 “ amount of motion performed on it. Fewer still perhaps know how many cosy  
 “ little spots are to be found on it, where wearied patriots may lie down and  
 “ sleep, at perfect liberty to dream of the glorious Ireland we shall doubtless



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ have some time or other, without the bother of working for it. It is so much  
“ easier to dream of regenerating Ireland than to go out into the turmoil and  
“ strain of every-day politics, and with a fixed purpose ever in view, toil and  
“ strive and battle for its attainment, help to give the people that political  
“ training without which a ‘free Ireland’ would be almost useless to them for  
“ a generation, and endeavours to create the condition that would make a real  
“ effort for freedom possible. This flinging of phrases and imputation of bad  
“ motives are part of a system under which hundreds of intelligent young men  
“ in Ireland to-day are impatiently chafing, but without the moral courage to  
“ tear the veil from the wretched sham.

“ This twaddle about ‘constitutional agitation’ is an element of disturbance  
“ in Irish politics which cannot be ignored, because it is associated with the  
“ names of a few men of respectable character and standing in the national  
“ movement, but who really stand almost alone in their opposition to agitation.  
“ It is an evidence of the difficulty of doing any real good for Ireland  
“ while vituperation takes the place of argument, and while the best energies of  
“ each little clique or party are devoted to foiling the schemes of some other set  
“ of people, and preventing anything from being done in the country that is not  
“ acceptable to themselves. The worst of all this, is that the public mind is  
“ misled as to the real attitude of a huge section of the National party, and the  
“ mouthings of every driveller who has learned a few phrases by rote are given a  
“ certain political significance.

“ What is the real attitude of the Nationalists towards the land movement, and  
“ what would it be towards any broad and comprehensive national movement  
“ that may be started in the future. Great efforts have recently been made to  
“ make them hostile, and to make the public believe that they are at present  
“ hostile to all such movements, but I feel confident these efforts will fail because  
“ I have faith in the intelligence and common sense of the great majority. There  
“ can be no question that individually the majority of the Nationalists give an  
“ active and earnest support to the Land League, without relinquishing their own  
“ principles, and they would give a similar support to any really sound and well-  
“ managed national movement acting by constitutional methods. And where  
“ they hold aloof they give no countenance to rowdyism, of which those who do  
“ nothing for Ireland have the monopoly. This is true to even a much greater  
“ extent of Irish American Nationalists. It is qualified by the undoubted fact,  
“ that a feeling which is not without considerable justification in the action of  
“ individuals, has got possession of some minds that the Land League is being  
“ used to quietly and steadily sap the foundations of the advanced national  
“ movement, and gradually build up a power that would crush it out of  
“ existence. Personally I have no fear of this, nor do I believe there is a  
“ man in the Land League with either the ability, the strength of will, or the  
“ influence to play such a role, even if the idea were entertained. If any man  
“ were insane enough to make the attempt, he would provoke a conflict that  
“ would last but a short time indeed, and the Land League would have  
“ disappeared at the end of it. I do not think any such conflict will come, and I  
“ do not see why it should. A conflict could not, I am convinced, be brought  
“ about in any other way, and therefore it may be considered out of the  
“ question.

“ For my part I would much rather see a representative body in Ireland  
“ speaking for the country on the national question, and dealing with all minor  
“ questions which demand present attention, than a body confining itself to the  
“ land alone. If there is not now such a body the Nationalists referred to are  
“ chiefly to blame. I hope soon to see such a movement, and claim that the  
“ country is steadily and rapidly advancing towards it. The land movement, in  
“ my opinion, has done a great deal to prepare the way for such an expression of  
“ the national will, and to demonstrate its necessity. It was the most natural  
“ movement that has taken place in Ireland for many years, and its initiation was  
“ the immediate result of last year’s failure of the crops. The utter ruin of the  
“ harvest left the people completely at the mercy of a relentless and murderous  
“ system, and their own bitter experience told them of the fate that awaited  
“ them. They determined to seek a remedy in time, and the land movement was



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ the work of the people’s own hands. If men, who know the people, and who  
“ saw what an unequal struggle was before them, stepped in and gave shape and  
“ direction to their efforts, it will be found hereafter that instead of inciting to a  
“ social warfare they simply averted utter chaos. It was a spontaneous move-  
“ ment of the people themselves, and all the efforts of all the public men in  
“ Ireland combined could not have prevented it in one form or another.

“ If the Western peasantry, with ruin and extermination staring them in the  
“ face, had been left to themselves, it is scarcely too much to say they would have  
“ been scenes of violence and bloodshed such as no real friend of Ireland wants  
“ to see. Will anyone who has watched the revival among the Irish people of the  
“ old spirit of stubborn independence which centuries of degradation had almost  
“ crushed out—will anyone who has noted the different temper of the peasantry  
“ during the present agitation from that shown in the last land movement—for a  
“ moment imagine that an agrarian uprising would not have followed the first  
“ attempt at wholesale eviction last autumn if the people had not been taught to  
“ hope for safety from other methods? Without a strong and vigorous agita-  
“ tion, and without combination among the farmers, the landlords would certainly  
“ have evicted by wholesale, and the people would as certainly have resisted. Of  
“ course they would have been crushed, and their resistance would have been  
“ made the pretext for the depopulation of large districts of the country. A  
“ score or two of landlords, a few hundred policemen and soldiers, and perhaps  
“ some thousands of the people, would have been slaughtered, famine and  
“ pestilence would have raged unchecked through all the western counties,  
“ and we should have witnessed such an exodus as would have made all  
“ previous ones seem the merest dribblets. And does it ever occur to  
“ the critics of the land agitation to ask what would the Irish people in  
“ America and in England have been doing all this time. These gentlemen  
“ strangely misunderstand their exiled countrymen if they for a moment suppose  
“ they would have remained idle spectators, and they must be sanguine, indeed,  
“ if they imagine that their own little parties and programmes would have  
“ survived the convulsion that would have ensued. Some of the Nationalist  
“ critics of the land movement seem to be blind to the fact that the country has  
“ just passed or is now passing through a great social crisis which threatened the  
“ very existence of the people, and that if anything was ever to be done for  
“ Ireland, the first thing necessary was to keep the people on the soil. With  
“ all its shortcomings and its mistakes, I claim the land movement has so far  
“ succeeded in effecting this, and made it possible to keep alive a national  
“ movement in the future. The Land League is not perfect, and I do not know  
“ of anything in Ireland that is. Face to face with a great emergency, it was  
“ formed in a hurry, and during a constant series of political excitements, having  
“ to fight for its existence on every side, it would be strange if it did not commit  
“ many blunders. Its programme being somewhat crude has been sharply  
“ criticised, but the criticism of our opponent’s policy is a much easier task than  
“ the substitution of one of our own. It has been thus with the few Nationalists  
“ who have denounced the Land League. They have nothing to offer instead,  
“ and they are doing nothing to further their own principles. Their policy  
“ appears to consist in finding fault with, and flinging hard names at,  
“ everyone who attempts to do anything, and in trying to get the  
“ country to wait till they are ready for something or other which does not  
“ appear to be very clear even to themselves. They do not like to be disturbed  
“ anyhow by restless and half-educated people who will not allow themselves  
“ to be sat upon, and who think that though Thomas Davis has written many  
“ noble things the country might do better than lazily pouring over his writings,  
“ and dreaming of some time in the far distant future, when independence might  
“ by some possibility or other be attained. These half-fledged young men have  
“ done more in one short year to attract the world’s attention to Ireland, and to  
“ arouse the Irish people at home and abroad, to the necessity of making an  
“ effort to lift the country out of bondage, than their critics have done during  
“ their whole lifetime, and this ungenerous abuse and constant sneering only  
“ injure those who indulge in them. The Land League has taught the Irish  
“ agricultural classes their strength, and has given them habits of organisation



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ and discipline, and almost removed that fear of the landlord which was a serious  
 “ obstacle to all independent political action. Any effort to break down the power  
 “ of the landlords must serve the national cause, for they enjoy, not alone a  
 “ monopoly of the land, but of the whole local administration of the country,  
 “ which enables them to practically stifle the voice of the nation, and crush out  
 “ all opposition to English rule. The breaking down of the power of the land-  
 “ lords must naturally result in a radical change in the local bodies in which they  
 “ now exercise control, and the possession of these bodies by the national party  
 “ would mean so many positions won from the enemy, from which the struggle  
 “ could be pursued with greater advantage.

“ The demands of the League will not be granted by a Parliament of British  
 “ landlords. Of course they won't. But is that a reason why the right principles  
 “ of the Land League should not be laid down? The Irish people, pending the  
 “ solution of the national question, have a right to say how they would, if they  
 “ had the power, settle all their great social and political problems—land tenure,  
 “ local government, education, franchise, industries, &c., and if these questions  
 “ are to be discussed in Parliament, Irish members should be compelled to say  
 “ what the country wants, no matter how little England may be disposed to give.  
 “ The less we ask the less we shall get. I attach infinitely more importance to  
 “ the organisation of the people, and the work done in Ireland, than to anything  
 “ that may be done in Parliament. In fact, the really important part of the  
 “ movement is that which is carried on outside the House of Commons, and it is  
 “ only the wilfully ignorant or prejudiced who will maintain that a solid  
 “ combination among the farmers, supported by a majority of the people, offering  
 “ an unceasing passive resistance to eviction and to landlord exactions, would  
 “ not eventually break down the present land system or any other similar  
 “ system, and force Parliament to legislation which no amount of ‘activity,’  
 “ eloquence, or obstruction inside the House of Commons could obtain. And  
 “ this work of organisation, this extra-Parliamentary propaganda, is only  
 “ now fairly initiated. If our clever and ambitious young men would  
 “ only look a little into the future, they would see how much more good they  
 “ could do at home among the people, organising, counselling, educating them  
 “ for the long and arduous struggle before them, than in strutting around  
 “ London as members of Parliament. If only ten earnest, intelligent, courageous  
 “ young men could be found to devote their time to this work, steadily refusing  
 “ to go into Parliament, they could accomplish more than all the Irish members  
 “ put together, and acting as one man inside Parliament. Have we not such  
 “ men among us? Are there not men in Ireland who understand that tinsel and  
 “ feathers, and initials after a name, do not constitute leadership? The real work  
 “ of all great movements is done in the fields and cottages, in the workshops  
 “ and the meeting halls, and at the desk, not on the carpeted floors or  
 “ cushioned seats of legislative chambers. Certainly there is plenty of work  
 “ to be done in Parliament, and the best men possible should be sent  
 “ there, seeing the people will send some one; but I claim there is a higher  
 “ and a nobler, if more arduous work, to be done outside, and that there  
 “ are some men in Ireland who should not go to Parliament under any  
 “ circumstances. But then the farmers would become loyal to England and  
 “ oppose independence, we are told, if the land question were settled even  
 “ moderately well by the English Parliament.

“ I consider this and similar assertions the greatest slander on the Irish cause,  
 “ for the cause which depends for ultimate success on the maintenance of  
 “ grievances is lost by anticipation. The theory followed to its logical conclusion  
 “ amounts simply to this: In order that the Irish farmers and other classes of  
 “ the Irish people may be induced to work for independence and continue to hate  
 “ England, they must be kept in such misery that their services in the cause to  
 “ independence will be of little use, and their hatred of England worthy only of  
 “ contempt. In order to give us a chance of obtaining independence, the country  
 “ must be kept in such a condition as to be unable to exert the necessary strength  
 “ to win it. I repudiate such advocacy of nationality, and contend that its  
 “ best allies will be found in a sturdy, well-fed, well-clad, and comfortably  
 “ housed agricultural population, giving employment to a correspondingly



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ comfortable class in the towns. Nationality has nothing but defeat before it  
 “ while dependent on rags and misery for support. The best friend of the  
 “ national cause, therefore, is the man who, while steadily adhering to his own  
 “ principles, and working for them, does his best through the means at hand to  
 “ lift his countrymen out of the slough of poverty, degradation, and despair. He  
 “ is no friend of Ireland who, even for a fancied or temporary gain to the  
 “ national cause, would suppress liberty of speech or interfere with the right of  
 “ public meeting.

“ Some gentlemen, of rather Conservative tendencies, advocate a peasant  
 “ proprietary on the ground that it would tend to make the agricultural  
 “ population Conservative. These gentlemen have just as good a right to believe  
 “ that such a settlement of the land question would make fat contented subjects  
 “ of Queen Victoria of the Irish farmers, and I have no hope that, with increased  
 “ prosperity and independence, they would become sturdier and more stiff-necked,  
 “ and resent more strenuously than now the assumption by England of the right to  
 “ rule Ireland. There is no reason why people of these conflicting views should  
 “ not work together for an object which both believe to be good. Neither has  
 “ any control over the future, nor has one the right to say to the other where his  
 “ career of progress shall stop. For my part, I want to see Ireland placed in  
 “ such a position that she can decide for herself whether such a connexion with  
 “ England shall continue or not. If she should decide against my wishes, I  
 “ should have no more right to complain than the Conservative land reformer  
 “ would have if her voice were raised for independence. And when men work  
 “ together for a common object, it is much easier to reconcile differences of  
 “ opinion than when they are arrayed in opposing camps. The right, in all such  
 “ cases, has the best chance. Respectfully yours, John Devoy.”

86,814. (*Sir C. Russell.*) Mr. Davitt, before I leave your story, so far as it relates to America, I want to ask you about one other name that has been mentioned here, that is Mr. Sullivan of Chicago?—Yes.

86,815. How long have you known him, and tell us what you do know about him?—I became acquainted with Mr. Alexander Sullivan on the occasion of my first visit to Chicago in 1878. On each subsequent visit to that city I made Mr. Sullivan's hospitable home my residence. I have conceived the highest possible opinion of Mr. Alexander Sullivan, of his ability as a lawyer, of his character as a citizen, of his honour as a man, and I believe him to be incapable of doing anything dishonourable.

86,816. You made, in that way, the close acquaintance, I believe, of his wife also?—Yes, I have the honour of numbering Mrs. Sullivan amongst my friends.

86,817. I think you have seen her recently in London?—During the adjournment of this court I had the pleasure of seeing her.

86,818. I believe she is a lady filling some responsible literary position herself?—She is a lady over here now, or has been, representing in Paris a powerful syndicate of American papers. I think she is attending this court as a representative of an American paper now.

(*The President.*) Her name has not been mentioned in reference to this, I think?

(*Sir C. Russell.*) If I have to justify it, my Lord, there was an allusion to it by my illustrious friend Mr. Ronan, who unearthed some book.

86,819. (*The President.*) Oh, yes, there was some reference?—I may perhaps be permitted to say in reference to that book, as it has been mentioned by Mr. Ronan, that I do not know any work that has done more to enlighten American public opinion on the Home Rule question than that book of Mrs. Sullivan.

86,820. You returned to Ireland in December 1880 from the United States?—Yes, I arrived in Ireland, I think, about the 20th of December 1880.

86,821. I think you left the affairs of the Land League in America principally in the hands of the Rev. Mr. Walsh of Waterbury, who, as we have seen, was appointed treasurer at the Trefor Hall Convention?—Yes, he undertook to have the secretarial work done, and—

86,822. Content yourself with that statement, I do not want to pursue matters that are irrelevant. On your return to Ireland were you made acquainted with the fact that there had been some—possibly not very many—but some outrages in various parts of the country of an agrarian character?—I learnt that before coming to Ireland, from the American press.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,823. When you got to Ireland what steps were taken by you, or in conjunction with you, in relation to it?—Mr. Parnell saw me in Dublin on my arrival, and I told him what the feeling in America was with reference to these outrages, that the American press, without exception, condemned them strongly, and called upon the leaders of the agitation in Ireland to do their best to put them down. Mr. Parnell, who had been in London, I think, a great deal previously, told me he was very much concerned about these outrages also, and it was then agreed that I should draft a circular in the name of the executive of the Land League, and send this circular to all the ~~members~~ of the Land League throughout the country. That has already been read.

86,824. Yes; that circular has already been read?—May I be permitted to say that before coming to Dublin, immediately on my arrival in Queenstown, I expressed similar opinions to those I have stated now, and in a speech I called the attention of the Irish people to the tone of the American press. I said nothing would tend to alienate more the sympathies of the ~~Irish~~ people in America than ~~any sympathy with~~ ~~outrage~~.

86,825. Immediately upon your return did you address yourself, in addition to the publication and issuing of this circular, to the matter, and make formal speeches throughout the country?—I did. I delivered about 30 speeches in the 70 days that elapsed from my arrival from America and my arrest on the 3rd of February.

(The President.) Can you give me the reference to the circular?

86,826. (Sir C. Russell.) Page 3712, my Lord. Now, I think, Mr. Davitt, a good many utterances of these 30 speeches have already been read?—They were read during Mr. Parnell's examination.

86,827. I do not propose to go into that again. Mr. Davitt, in his address to the court, may supplement them by reference to any other; they have been given to page 4213. Were you able to form, from your inquiries and your observation, any opinion as to the class from whom those outrages proceeded?—Well, I can only state what was told to me by priests and others in the West of Ireland, with whom I had some conversation afterwards about these outrages.

86,828. From what class were they supposed to proceed?—I think from local agrarian bodies, of half a dozen, or a dozen men,—perhaps a couple of men in a place: I do not think there was any connexion.

86,829. I mean of what class were they?—Oh, chiefly the sons of smaller farmers, and it is singular, but true, that in nearly all the western counties the leader of those bands was an ex-militiaman; or an ex-soldier of some kind.

86,830. That is your information, at all events?—That is my information.

86,831. I think you were arrested in 1881; I do not know whether you can give me the date?—On the 3rd of February 1881.

86,832. You were arrested upon the ostensible ground that you had not reported yourself under your ticket of leave?—Yes; that was all a farce. I had ceased to report myself for a couple of years before.

86,833. I only want to get that fact; you had not, in fact, reported yourself for a couple of years, and had been free from arrest?—I reported myself to the police after I came out of prison in order that I should by so doing influence the release of other prisoners, and when the last man was released I refused to report myself any longer.

86,834. You had not reported yourself for two years before you were arrested?—Not for two years.

86,835. And you were not arrested during that time?—No, not molested at all.

86,836. You were re-arrested on the 3rd of February 1881 on the ostensible ground that you had not reported yourself?—That is so, but I would like to express my opinion as to why I was arrested.

86,837. Have you any objection to my friend reading any speech that you delivered in that interval between your return from America in December and your arrest in February. Have you any objection to every syllable of those speeches being read?—Not the slightest.

86,838. Now you were kept in prison in Portland until the 6th May 1882, when you were released?—Yes.

86,839. You reached London, I think, that same evening about 8 or 9 o'clock?—Yes.

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2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,840. Do you recollect on that day before your release being visited by Mr. Parnell, and by Mr. Dillon, and I think Mr. O'Kelly?—Yes.

86,841. Who had themselves shortly before been released?—A few days previously been released from Kilmainham.

86,842. Explain how they came to see you and what they came to see you about?—I learnt subsequently that it had been stated in the House of Commons, and in the press, that I was likely to refuse my release on the condition of a ticket-of-leave, and Mr. Parnell, and Mr. Dillon, and Mr. O'Kelly came down to persuade me to accept the conditions, and come out.

86,843. On your way up in the train I believe you discussed the events that had happened during your 15 months' seclusion?—Yes, I had not been allowed to see any newspaper, or hear any news from the outer world for 15 months, and Mr. Parnell, Mr. Dillon, and Mr. O'Kelly told me the events that had occurred.

86,844. I think we heard you were supplied with Hansard?—Hansard was sent, but I got it the day after my release.

86,845. Then it certainly was not much use to you. Do you recollect learning of the change of Government in 1882; and the substitution of Lord Spencer and Lord Frederick Cavendish as Lord Lieutenant and Chief Secretary respectively for Lord Cowper and Mr. Forster?—Yes, I learnt that in conversation in the train to London.

86,846. Was that referred to as a hopeful change by Mr. Parnell and the others?—It was. After years of labour, we were all jubilant at the idea that we were going to get something as the result of our labours that would ~~cut down the misery~~ and give ourselves some rest from agitation. *(lessen the misery of the country)*

86,847. As you mention that, I may ask you, were you fond of agitation for its own sake?—Indeed I am not. I would willingly give it up to-morrow if I saw some justice done to Ireland, not otherwise.

86,848. You reached the Westminster Palace Hotel, I think, where Mr. Dillon, amongst others, were staying?—Yes.

86,849. And do you recollect hearing, I think, through Mr. Bennett Burleigh, the fearful rumour of the tragedy in Phoenix Park, late at night?—Yes, it was about 11 o'clock that night.

86,850. I believe you discredited the rumour?—Yes, we refused to believe it. Mr. Dillon, Mr. O'Kelly, and I, thought the thing impossible in the face of the change of policy that had taken place, and we retired to rest disbelieving it.

86,851. I think the next morning at a very early hour you were visited by Mr. Henry George,—in fact he came into your bedroom and communicated the news to you?—Yes, at 5 o'clock in the morning he came into my room and he told me that the worst thing that had happened for Ireland for 50 years had occurred the night previously.

86,852. Do you recollect Mr. Parnell coming to the hotel to see you in the course of that morning?—I recollect every incident of that day as clearly as if the incident occurred yesterday.

86,853. Just tell us what Mr. Parnell said when he came in?—Mr. Parnell came into the room; I was alone at the time, Mr. Dillon had gone downstairs; he sat down on the sofa, and addressed me as follows: "Davitt, I am going to send in my resignation to Cork to-morrow. I refuse to remain any longer in any Irish movement when irresponsible men, of whom we know nothing, go behind our backs and perpetuate a deed of this kind." And it required all my influence to persuade him from carrying out his resolution.

86,854. Was he apparently broken down by this?—I never saw him suffering from such keen emotion; he was utterly broken down. He thought, as we all thought, that there was an end of the Irish trouble for a generation.

86,855. Do you recollect what you said to Mr. Parnell to try and induce him to forego that resolution?—Yes, I told him that he was called upon then, more than ever, to remain at the head of the Irish people, in order to prevent those who had perpetrated this deed carrying out similar enterprises if demoralisation set in.

86,856. Was it upon that occasion—I think the suggestion came from yourself—that the manifesto was written?—Yes. I immediately suggested that we should do something in the way of issuing a manifesto to calm the minds of the English people and to influence the action ~~on behalf~~ of the Irish people in that crisis.

86,857. And I think you took immediate steps by wiring the terms of the manifesto to Mr. Alfred Webb, who was the treasurer?—Yes, but before that manifesto was



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

drawn up several of the other members of the Irish party came to the hotel. Mr. Justin Macarthy, Mr. A. M. Sullivan, and about 20 others, and I had by that time drafted the manifesto, except the last paragraph, which I think was suggested either by Mr. Dillon or by the late Mr. A. M. Sullivan, I do not know which.

86,858. I do not know what that refers to?—It called upon the Irish people to put forward every effort to bring the perpetrators to justice, and that a stain would remain on Ireland's name unless that was done, and then it was wired by me to Mr. Alfred Webb.

86,859. That was suggested either by Mr. John Dillon or Mr. Sullivan?—Yes.

86,860. Then you addressed it to Mr. Alfred Webb, in Dublin, with instructions to have it printed and spread over the country?—It was printed ~~by~~ that day, Sunday, and by that evening's post large parcels were sent to all parts of Ireland, and the manifesto. I think, appeared in all the towns of Ireland on the following morning.

86,861. Do you recollect the tone of the English papers, with very few exceptions?—Yes; it was admirable indeed.

86,862. Self-controlling, and not at all resentful?—It was admirable, under the circumstances, and agreeably astonished me. I expected an attack on the Irish people, and the poor people here in England and Scotland would have suffered in consequence.

86,863. I think, following up one article in the "Standard," you wrote a letter?—Yes, I wrote a letter to the "Standard."

86,864. At that time?—Yes. It has been read already.

86,865. (*Sir C. Russell.*) My Lords, it is page 3736, and need not be read again. I think that soon after that event you also saw Mr. Egan, did you not?—Yes; I went across to Paris to see Mr. Egan, I think, the Wednesday following the 6th May.

86,866. We know there was originally a proposal or suggestion of offering a reward by the Land League; and we also knew of Mr. Egan declining to sanction that, and the reason he gave?—Yes, he explained that for the Land League to offer a reward would be putting a premium on the work of the common informer in ~~England~~; at the same time he placed upon record his detestation of the murder of Cavendish and Burke.

86,867. I do not know whether I may ask you now compendiously, I do not know how the fact is—did you know any of these people at all who were afterwards proved to be parties to that murder?—I do not think I ever met one except Carey. I think I once met Carey at a meeting where he represented the bricklayers of Dublin. I think it was the beginning of 1880.

86,868. What was that occasion?—It was on the occasion of a demonstration in Phoenix Park in connexion with my prosecution or the abandonment of the prosecution of myself and Daly, and Brennan, and others. I do not remember ever meeting any of the others in Dublin. I may have done amongst the population, but I cannot remember it.

86,869. You know, Mr. Davitt, what the charge is here; is there any ground?—? —I make one exception, I did meet James Mullett. I knew James Mullett, that is the only one.

86,870. What was James Mullett, I forget?—He was a licensed victualler, and lived in Upper Dorset Street.

86,871. How came you to know him?—I knew his wife before she became Mrs. Mullett, and I visited the house about three times, I think, in my life, but that was in 1879. I did not meet Mullett after the end of 1879.

86,872. Did you know anything in relation to the character or pursuits of James Mullett, which made it improper for you to know him or to know his wife?—Not at all; the very fact of his being a Fenian would not cause me to cut his acquaintance.

86,873. Did you, in fact, know he was a Fenian; I do not know?—I think he was.

86,874. I was about to put this question to you: you know what the charge here is. Is there any ground in any shape or form for the suggestion that you were privy to the knowledge of that tragedy in Phoenix Park?—Not the slightest; having been in prison for 15 months without any communication from the outer world, except through the governor, and having been released on the 6th May, I ~~should~~ not have anything to do with it.

86,875. I put to you the same question; so far as your colleagues in the Land League agitation were concerned, from Mr. Parnell downwards, have you any reason to suppose, or had you any reason to suppose that they were in any fashion directly or indirectly concerned in it?—None whatever.

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2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,876. Could there, in your opinion, have been a more severe blow struck at your action and policy than that occurrence?—None, possibly, at the time.

86,877. I think you made that, amongst other outrages, the subject of several speeches which you made in Ireland, some in England, and afterwards I think you went to America?—Yes, I went to America in July.

86,878. July 1882?—July 1882, on a short lecturing tour.

86,879. You were, I think, present at the demonstration in Boston with a view to raising funds for the relief of the West of Ireland and of the islands of the West of Ireland.

86,880. Although you did not say anything about it here, I think it is right to ask you, you yourself have made special efforts, have you not, for the relief of the distressed people on this West Coast?—Yes, both at this time and subsequently in 1886 I raised a fund of 3,000*l.* or 4,000*l.*, which I distributed amongst the islanders and the poorer class of farmers on the adjacent sea-board, and I am now administering a small fund placed at my disposal, mostly through Patrick Ford, of the "Irish World," to enable these poor fishermen on these islands to buy fishing tackle.

86,881. I think you returned from America by way of Antwerp, did you not?—Yes, I remained about two months in America, perhaps a little over, and then went direct to France to see Mr. Egan.

86,882. Going to France by way of Antwerp?—By way of Antwerp.

86,883. And he was with his family at some place in Normandy?—He was at Luxe-sur-Mer, in Normandy, at the time.

86,884. What was your object in visiting Mr. Egan at that time?—I was anxious to revive the land or national movement in Ireland. I had discussed with some representative men in America a plan of re-organisation, and I wanted Mr. Egan's opinion; they were favourable to my proposal.

86,885. Just pause for a moment; the Land League organisation was addressed to the land question?—To the land question, but it did not ignore the national question.

86,886. I am not saying that at all. I am supposing its express objects were directed mainly to the land question?—Yes.

86,887. You were anxious the movement should embrace other things besides?—I was anxious to take a step in advance, to raise the banner of land nationalisation not only for Ireland but for Great Britain, and to bring about solidarity of action between the democracy of the two nations.

86,888. Mr. Parnell differed from you upon that point?—Mr. Parnell is a Tory on the land question and I am an advanced Radical.

86,889. After you had these interviews with Egan you saw Mr. Parnell?—I saw Mr. Parnell immediately on my arrival in London.

86,890. Just tell us the course of the discussion and the result?—He bluntly told me if I went on with such a movement he would retire out of Irish politics.

86,891. What was his view about it?—He said he thought the country should be quieted altogether for a couple of years; he was under the impression that the tragedy in Phoenix Park had made it impossible to carry on a similar movement to the Land League, and then he was very strongly opposed to any ideas of the land nationalisation, and I believe he remains somewhat opposed to them though I hope he may yet see salvation.

86,892. Subsequently, I think in October of that year, you again pressed him, and he upon certain conditions agreed to call a convention to consider the feasibility of starting what was called afterwards the National League?—Yes, by that time the feeling raised in England by the 6th of May tragedy had considerably gone down very much to the credit of the English people, and there was a widespread desire in Ireland to carry out the movement of land reform. I put my proposition to Mr. Parnell, and he agreed to call a conference upon these conditions.

86,893. What were the conditions?—That he should draw up the platform of the land question, and that the platform should be peasant propriety, and I was to undertake not to discuss the relative merits of peasant propriety and land nationalisation at the convention.

86,894. Was there any other than that?—I think I left myself free from this condition, to advocate land nationalisation afterwards, which I did.

86,895. Was any condition suggested to Mr. Parnell as regards Parliamentary action?—Oh, yes, he insisted that the work of land reform for Ireland should be mainly, if not entirely, a Parliamentary action.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,896. Then I understand the three conditions to be, first, that he should draw the programme, so to speak?—Yes.

86,897. Next, that so far as land reform was concerned it should be in the direction of peasant propriety, and that you should keep your counter idea of land nationalisation?—Until after the convention.

86,898. You to have a free hand after?—Yes.

86,899. And that lastly that parliamentary action should be——?—Should be the main action, yes.

86,900. What do you mean to convey by parliamentary action?—That the Parliamentary party should practically have the control or the entire management inside and outside the House of Commons, and that it should be made clear to the English people that we were seeking for a change of the land system in Ireland by purely constitutional and parliamentary action.

86,901. By legislative action in point of fact?—Yes.

86,902. On those terms the convention of the 17th October 1882 was held, by which the present National League came into existence?—Yes.

86,903. I think so far as the National League was concerned, you have not yourself taken as prominent a part in that as you did in the earlier days of the Land League?—No. I have been under the impression that Mr. Parnell did not want me to have the same control over the National League as I exercised over the Land League. Then my opinion, differing with his, upon the land question was another reason why I did not interfere actively in the control of the National League. In the earlier stage of this organisation in 1883 and 1884 I did address a good number of meetings in Ireland, but I have practically ceased to be a member of the Executive of the National League for the last two years.

86,904. I will ask you, so far as your knowledge does extend, have you any reason to suppose that the National League and the Executive of the National League ever encouraged crime or voted money in respect of crime?—No, I have no such knowledge, because I know such policy would not at all be carried out, either by Mr. Parnell or by Mr. Harrington.

86,905. These are the two you single out as being specially responsible for the action of the National League?—Yes, Mr. Parnell as president and Mr. Harrington as secretary.

86,906. I do not want to omit anything in your career. I think you delivered a speech in February 1883 at Newtown, upon which proceedings were taken under an old statute?—Yes, it was a very strong speech that I delivered in view of possible returns of distress, and I threatened that if the Government did not undertake some public works that I would call upon the starving peasantry of the West to march down on some fruitful lands which their ancestors were given to make room for cattle. I was prosecuted for that speech under a statute of Edward III., and sentenced to imprisonment or to find bail. I refused to find bail, and I was sent to prison.

86,907. You were released after three months, I believe?—Yes, after three months.

86,908. There was nothing intervening that I am aware of until we come to the Chicago Convention in August 1886?—No; I delivered a large number of speeches in Ireland, England, and Scotland, chiefly upon the land question.

86,909. I believe your health was bad?—Oh, yes. I left Ireland in 1885, and took an extensive tour in the East, Palestine, Egypt, and Italy.

86,910. In August 1886 you attended the Convention of the National League of America in Chicago?—Yes, I was invited by the Executive of the Land League of America to be present, that is to say, I did not go as a delegate from Ireland, but went on special invitation to America.

86,911. You were not sent by Mr. Parnell, but you went there to uphold Mr. Parnell's policy?—Yes.

86,912. It was on the occasion of that convention, or rather not at the convention, but on the occasion of the gathering that Mr. Finnerty's speech on Ogden Grove, your reply to him was made?—Yes, that was the occasion, but I think the sentiments I objected to were contained in a series of resolutions rather than in a speech of Mr. Finnerty's.

86,913. Resolutions which he suggested?—Resolutions read by the secretary of the meeting, I think, but Mr. Finnerty then as on previous occasions——

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2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,914. (*The Attorney-General.*) Have you got these resolutions?—I do not think I have.

86,915. (*Sir C. Russell.*) You were going on?—Mr. Finnerty on that as on previous occasions made a very strong speech, he is probably the most eloquent speaker in America and a man highly respected in Chicago. He was chairman of the Ogden Grove demonstration, and appeared subsequently at the convention as a delegate.

86,916. You made a reply to him?—Yes, he made a speech that I thought was uncalled for, and I am sure misrepresented what Mr. Finnerty's own feelings towards the English people were. He hates English rule in Ireland with the intensity of his enthusiastic nature, but he has always spoken highly of Englishmen and the way they have stood up for the rights of their own country.

86,917. (*Sir C. Russell.*) Your Lordship will find a reference at 3836. We will not trouble to read it again. I will only say this; the key-note of your reply was imploring your countrymen to forget the idea of revenge?—Yes, I was always opposed to the doctrine of revenge. I believe it is an ignoble doctrine, and I know it is foreign to the character of the Irish people.

86,918. That is the line you took?—Yes.

86,919. And that is the line you have always taken?—Yes, that is the line I have always tried to take.

86,920. You told us that you have extreme views on the land question, and also, I suppose you would say, upon the question of Irish self-government, and you have always held very advanced views?—Yes, I have always been in favour of complete national independence for Ireland, and am a very ~~distinct~~ Nationalist and an advocate of freedom for Ireland as well as for every other country in the world.

advanced

86,921. You recollect the Chicago Convention, was after that a proposal of self-government contained in the Home Rule Bill?—Yes.

86,922. And what was the attitude of that convention?—I confess the attitude surprised me. The resolutions which I think I practically drafted for that convention were accepted by the committee on resolution and unaminously endorsed by the convention of nearly 1,200 delegates, and in these resolutions there was an acceptance of Mr. Gladstone's proposal, and another resolution thanking the democracy for the support of that policy.

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86,923. Have you any doubt that that did represent the sincere feeling of the bodies of the Irish race in America and in Ireland too?—Not the slightest, that it did represent their views both in Ireland and in America.

(*Sir C. Russell.*) My Lords, the resolution will be found at page 3837, I should like, just in this connexion, to point the answer Mr. Davitt has given, to read this:—

“That we express our heartiest and most unqualified approval of national self-government for Ireland.

“That we heartily approve of the course pursued by Charles Stewart Parnell and his Parliamentary associates in the English House of Commons: and we renew the expression of our entire confidence in their wisdom, and in their ability to achieve Home Rule in Ireland.

“That we extend our heartfelt thanks to Mr. Gladstone for his great efforts on behalf of Irish self-government, and we express our gratitude to the English, Scotch, and Welsh Democracy for the support given to the great Liberal leader and his Irish policy during the recent general elections.

“That this convention hereby returns its thanks to the American people and Press for the generous support which they have given to the cause of self-government in Ireland—

“That we record our sense of the remarkable forbearance and self restraint.”

And so on.

“That we thank the President——”

And so on.

86,924. You think that was honestly accepted as a settlement of that question?—I believe it was honestly accepted by that convention, which comprised a large number of men, who believed with me in the doctrine of complete national independence, they saw in that policy an expression of good-will and friendship towards the Irish people, and I believe they honestly accepted it and would have honestly supported such policy had it been carried into effect.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,925. I think I have only one other matter to ask you which I should not have troubled you about, but for an incidental observation the Attorney-General made a little time ago, when he said he would undertake to show a connexion between you and Hayes and a man called Casey; first of all, who are these Caseys, and who is Hayes?—I met the Caseys and I met Hayes for the first time in Paris last October.

86,926. That is October of 1888?—Yes, the two Caseys reside there.

86,927. Wait for a moment. When did you meet Hayes?—I think it was the latter part of October, or early in November.

86,928. At the same time?—Not on the occasion of my first visit to Paris.

86,929. But I mean the same year?—Yes, the same year.

86,930. Since the Commission was sitting?—Since the Commission began.

86,931. In October 1888, the Caseys, and in the month of November, Hayes?—Yes, Hayes.

86,932. Who are the Caseys first of all; do they reside in Paris?—They have resided in Paris some 20 or 30 years.

86,933. And Hayes?—He came from America.

86,934. What I want to ask you is this, you knew of certain information which came to your ears with reference to the Pigott letters, having reference to Pigott's proceedings in Paris. Did you go to Paris to see the Caseys with reference to that object?—I did.

86,935. And solely with reference to that?—Solely with reference to the forged letters, and Pigott's connexion with them.

86,936. And Hayes, was he in reference to the same matter?—Yes, I had learnt that Hayes when here in London in 1884 was acquainted with Richard Pigott, and that certain correspondence passed between them. I was led to believe that Hayes had some letters of Pigott's which would enable us to get at the conspiracy behind the forged letters, consequently Hayes was asked to come to Paris. I met him there, and I got the letters.

86,937. Except seeing the Caseys and Hayes, in your endeavour to trace out the origin or genesis of the forged letters, did you know anything of them before?—No.

86,938. Or since?—Nothing whatever.

#### Cross-examined by the ATTORNEY-GENERAL.

86,939. I want to ask you a few questions on general matters to-day without going into the particular incidents which you have spoken to. I first wish to ask you about your connexion with the Fenian Brotherhood. I want you to tell me the date when you say you first joined?—I think it was in 1865. It would be either the latter part of 1865 or the beginning of 1866.

86,940. Where?—In the valley of Rossendale, where I lived.

86,941. Any particular branch by name, or merely the general body, or what? Was there a camp there?—There are a number of small towns there, and I think there would be about 50 Fenians amongst the four or five towns.

86,942. Was there a camp there?—No camp in connexion with the Fenians; a circle you mean.

86,943. Was there a camp or a circle?—There was a circle, yes.

86,944. What was the name of the circle, do you remember?—Oh, I think it was the Rossendale Circle.

86,945. Had you any office in that?—I was elected centre.

86,946. When were you elected centre?—Almost immediately after joining.

86,947. Was the centre the name of the head officer of the circle?—Yes, the president of the circle.

86,948. Have you any copy of the constitution of the Fenian body at that time?—No; but you will find it in that interview in the "New York Herald" which I showed you this morning.

86,949. I will take it from you in that way, because I have to refer to that later on in connexion with some other matters. I will take it that the constitution of the Fenian body, which is referred to in that extract from the "New York Herald," is substantially correct?—As well as I can remember what its terms were.

86,950. At any rate for all practical purposes I may take it to be so?—Yes.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,951. You continued in that body, as I understand, up to the time of your imprisonment?—Up to the time of my arrest and conviction in 1870.

86,952. Still as centre?—Oh, no; I was promoted. I became in a very short time secretary for England and Scotland.

86,953. Would that be the name of your position in the Fenian body?—Organising secretary.

86,954. What was the body called then, the Fenian Brotherhood?—No.

86,955. What was the name of it?—The I. R. B., the Irish Republican Brotherhood.

86,956. When did the name Irish Republican Brotherhood come into existence?—From the beginning.

86,957. You knew it as the Irish Republican Brotherhood?—Yes. Fenian Brotherhood was the name given to the movement in America.

86,958. The Fenian Brotherhood was never the name on this side of the Atlantic?—It was called the Fenian Brotherhood or the Fenian movement generally, but the real name of the organisation was the Irish Republican Brotherhood, the object being to establish an Irish Republic.

86,959. You joined again when you came out in 1877?—Almost immediately.

86,960. Where?—There was no joining in the sense of taking an oath.

86,961. You attended at some place?—I rejoined here in London.

86,962. A circle in London?—No, I was not attached to any circle in London.

86,963. You simply attended a meeting?—I simply attended a meeting, yes.

86,964. Of some I.R.B. body?—A circle in London. The organisation in London had dwindled down to little or nothing at that time.

86,965. Did you again have any office between 1877 and 1879?—Yes; I was elected member of the Supreme Council.

86,966. And continued to be member of the Supreme Council up till the time of your going to America, as I understand?—I ceased to attend after the middle of 1879. Then on the eve of my departure from America in 1880 I was expelled.

86,967. Now, just one word with reference to this expulsion. You have said you heard of this expulsion or alleged expulsion from the account of an interview with somebody you were afterwards told was Mullett in the "New York Herald"?—Yes.

86,968. Did you ever receive any notice of expulsion?—Never.

86,969. As I understand as a matter of fact with regard to actual action of the Supreme Council in expelling you, you do not know of any?—Except what I learned through the public press.

86,970. That is exactly what I want to get to your mind for a moment. Except the account in the "New York Herald" of this interview between Mr. Ives and Mr. James Mullett, you never received any notice of expulsion?—No official notification.

86,971. And never have?—Never have.

86,972. Do I understand you to say that apart from the Supreme Council you ceased to be a member of the body?—I did. I attended no meeting of the I.R.B. after 1879.

86,973. I do not want to go into it at length to-day, but I notice that the next paragraph in the very interview to which you refer in the "New York Herald" of 12th August 1880, says this:—

"Is Mr. Davitt then no longer a member of the Brotherhood"? your correspondent asked.

"Oh, yes, he is a member, but is ejected from his office, and is now in the ranks."

What I want to know from you is distinctly if you ever have done any act towards the Brotherhood or towards the body to indicate your separation from them?—Yes, by not attending any meetings in Ireland, and by stating in public in New York in 1882 that I had severed all connexion with my former associates.

86,974. Where is that utterance, please, in New York?—It is in a speech delivered in 1882, and I think Sir Charles Russell has got it.

86,975. I will ask you to give it me either now or later to enable me to trace the date. You say at some time in 1882, you indicated your severance from the body?—I stated publicly that I had severed my connexion with the Revolutionary body in the belief that they wanted to be rid of me, and that their expelling me from the Supreme Council was in consequence of my having started the Land League.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,976. (*Sir C. Russell.*) Where was the speech Mr. Davitt?—In the Academy of Music in New York, I think in July 1882.

86,977. (*The Attorney-General.*) I should like it if my learned friend would be good enough to give me the reference. I want particularly to see the words you used in connexion with some other questions which I have to put to you. Will you kindly find it, please?—Certainly. [*It was handed to the learned Counsel.*]

86,978. This, I presume, is from some American paper?—I think that is from the "Irish World."

86,979. Yes, the "Irish World" of the 1st of July 1882. It is a meeting in the Academy of Music, New York, on the 19th June 1882. I will read what you have marked first:—

"Is this handing over Ireland to England, and abandoning the Irish cause?"

"ABANDONING IRISH NATIONALITY."

That is probably the heading of the reporter.

"This charge is founded upon an expression used in my letter to the London 'Standard.' I am not in the habit of going back upon my own utterances, or saying one thing when within reach of the English Government, and the contrary when sheltered beneath the Stars and Stripes. I declared that I had changed my opinions while incarcerated in Portland,"

That is what it originally was, and somebody has altered it into "prison," in ink?—I think it was "prison" originally, and "Portland" was put in by mistake.

86,980. It does not matter for this purpose—

"as to the manner in which I could best serve the cause of Ireland. I make the same declaration here to-night. In doing this, both in the London 'Standard' and in New York, I neither condemn nor repudiate those who rely solely upon physical force for the redemption of Ireland. I severed my connexion with that party from the full conviction that its leaders in Ireland honestly desired me to do so on account of my active participation in a legal and constitutional agitation, and from a full, conscientious belief that I could serve the dual cause of social and national reform all the better by throwing myself into the ranks of national effort for Ireland, unfettered by party ties or the prejudices which are engendered by party associations. I have been charged on this side with ignoring or refusing credit to the Nationalists in Ireland and America for their support of the Land League movement. I am glad to have the opportunity of declaring that such has never been my intention, and of stating now—what it would be unjust either to conceal or deny—that the rank and file of the Nationalists in Ireland, and both leaders and followers in America have contributed to the success of the Land League movement."

It is clear by "Nationalists" there you meant the extreme section?—Yes, principally.

86,981. I am much obliged to you for giving me the opportunity of reading those words. That is what you referred to when you said you disclaimed all connexion with the Fenian movement?—Yes, I notified there as plainly as language could that I had ceased to have anything to do with them.

86,982. Is there any other document or speech to which you can refer me?—No, I do not remember any other speech about that time, but it was generally known that I had severed my connexion because attacks had been made upon me in Ireland and in England and in America for having left the revolutionary movement.

86,983. I understand you to say, beyond that character of utterance you have not expressed your separation from or your disagreement with the Fenian body in any other way?—No, it was universally known throughout the Irish race.

86,984. Now with reference to your expulsion as you or rather, I think, Sir Charles Russell has called it, you had knowledge of no act at all or no communication by any member of the Supreme Council, of your having been expelled?—No, I never received any written or oral notification.

86,985. Was it not after that speech that you attended Clan-na-Gael meetings in America?—After which speech?

86,986. That of June 1882?—Certainly not.

86,987. Never?—Never.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

86,988. Never have attended a Clan-na-Gael meeting?—Not to my knowledge after 1882.

86,989. You are quite sure?—Not to my knowledge.

86,990. You would not forget it?—I might say I am sure, because I cannot recollect it.

86,991. You never attended a Clan-na Gael meeting after 1882?—After 1882. Had I been invited I certainly would.

86,992. Let me just understand about what happened afterwards. I notice that you said you had not attended any Fenian meetings or Irish Republican Brotherhood meetings in Ireland?—After 1879.

86,993. Did you attend them in England?—Nor in England.

86,994. Never?—Never.

86,995. At no place?—At no place in England.

86,996. Then I may take it your evidence is that after 1879 you have not attended any I.R.B. meetings at all?—None whatever.

86,997. Except the Clan-na-Gael meetings in America in 1880?—In 1880. That is quite right.

86,998. Is there any other one of the persons to whom you refer, Egan, or Brennan, who you say had severed themselves from the Irish Republican Brotherhood in the same way or at the same time that you did?—I do not exactly catch your question.

86,999. Did Mr. Egan separate himself from the Irish Republican Brotherhood?—I think he was expelled before I was released from prison. I think early in 1876 or 1877.

87,000. Brennan?—I do not know whether Brennan was expelled or not, but I think he was, because he supported the same policy which Patrick Egan and Mr. Biggar and others supported.

87,001. I have a good deal to ask you about Egan later on. I must put this to you first in this connexion. Did you see Egan afterwards in America?—Yes, I saw him in 1886.

87,002. More than once?—Oh, yes; I visited him at Lincoln, his residence.

87,003. Lincoln, Nebraska?—Lincoln, Nebraska. I stayed there with him as his guest for about a week, and in a brief visit I made in 1887 to attend the general assembly of the Knights of Labour, of which I am a member, in Minneapolis, I paid him another visit.

87,004. Did you know at that time, when you went in 1886 or 1887, whether Patrick Egan was a member of the Clan-na-Gael or not?—I did not.

87,005. Never ascertained it?—I never ascertained it. I never asked the question, and he never volunteered it.

87,006. You did not inquire?—I did not inquire.

87,007. And until the evidence in this case you had no knowledge whether he was or not?—I have the knowledge which is contained in that evidence for whatever it is worth.

87,008. Till the evidence in this case you had no knowledge one way or the other?—I have no knowledge that I can swear about.

87,009. Do you mean you had no knowledge or belief one way or the other as to whether he had joined the Clan-na-Gael in America?—Well, I believe Mr. Egan would join an advanced movement amongst Irishmen anywhere where he would take up his residence. Beyond that belief I have no knowledge.

87,010. I noticed in connexion with your evidence this morning about the Fenian Brotherhood you said it was no part of the oath that persons who had betrayed or broken the Fenian rules or regulations should be murdered or in any way ill-treated?—That is so.

87,011. Do I understand you to say, whether it was part of the oath or not, it had not from time to time occurred?—Oh, I believe men have been assassinated in the Fenian movement by individuals, but certainly never with the sanction of the governing body of the Fenian movement, and never with the approval of its leaders. I do not think there are two men more opposed to assassination than James Stephens and John O'Leary.

87,012. I am not dealing with James Stephens and John O'Leary alone. You do not deny that the centres were leaders of the Fenian movement?—Well, very



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

subordinate leaders indeed. A centre is a man who would have control over a circle of say 10 men, or 20 or 50, or 100 men.

87,013. Organising secretaries would be leaders of the movement?—Yes.

87,014. Who would you describe as the leaders of the Fenian movement speaking of them by their names in the movement—the head centre?—The members of the Supreme Council.

87,015. How many would there be as a rule?—Seven or 11.

87,016. And would the organising secretary be a member of the Supreme Council?—No, not necessarily.

87,017. He would be what I may call an additional leader?—Well, a subordinate leader.

87,018. Was the expression “rotten sheep” well known in the Fenian organisation?—Well, I think it is well known in nearly every movement.

87,019. What do you understand by the expression “rotten sheep” to mean, speaking as a Fenian?—I would say either a worthless character——

87,020. A traitor?—Or a traitor.

87,021. I must ask you whether or not you have not heard the expression “rotten sheep” used in connexion with members of the I. R. B. who incurred the displeasure of the Supreme Council?—The Supreme Council.

87,022. Yes?—I have used the expression myself in a letter which was produced on my trial.

87,023. I wish to ask my question first. I am going to read the letter to you presently?—I do not know that I ever heard of the expression being used by any member of the Supreme Council.

87,024. Do I understand you to say that in the course of your attendances at the Supreme Council during the years you have mentioned before your imprisonment——?—No, I never attended the Supreme Council before my imprisonment.

87,025. Not as organising secretary?—No, I had no right. I was not a member of the Supreme Council, and did not attend. I did not, in fact, know who the members of the Supreme Council were.

87,026. You did not know the members of the Supreme Council before 1870?—Certainly not.

87,027. With whom then did you communicate as organising secretary?—With my superior.

87,028. Who would he be?—He would be a member of the Supreme Council for the division in which I lived.

87,029. Who was he?—I cannot give his name.

87,030. Do you mean you do not remember it?—Oh, I do; but it would be a gross breach of honour on my part to give his name, inasmuch as, if he is living in England (I do not know) it would cause him a great deal of annoyance. If he is a business man it would ruin his business, and the individual at that time is not at all concerned in this inquiry, and his name has never been mentioned.

87,031. I will postpone that particular question till to-morrow. I may have to press it in connexion with another matter. I do not want to take it at a period of time at which it does not seem to be relevant. You would communicate with the member of the Supreme Council who was your immediate chief. I understand one member of the Supreme Council would be immediate chief of you as organising secretary?—Yes.

87,032. Having, I suppose, the control over that district?—Yes.

87,033. Having a certain number of centres and circles under him?—To whom he would communicate through me.

87,034. What number of circles would you as organising secretary have under your control?—Possibly 100 or 150.

87,035. In various places in the North of England?—England and Scotland.

87,036. And to each of those circles there would be a centre?—Yes.

87,037. Would there be a head-centre among them?—No, the term “head-centre” was only applied to James Stephens when he was the chief of the movement.

87,038. Now you would communicate with a man who would be present as being the organising secretary in connexion with a number of circles?—Yes.

87,039. Being in that position high up, I admit, but still under the Supreme Council, do I understand you to say that you never before the date of your trial and



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

conviction heard the expression "rotten sheep"?—Oh, I may have heard it—I cannot recall. I can only recall the fact that I used it myself in a letter.

87,040. Was not the expression "rotten sheep," which you used in the letter, a term perfectly well known among the members of the Fenian body as indicating a traitor?—No, I have no knowledge of that term being used by anybody except myself.

87,041. Was the expression "the flock" used as indicating the Fenian body?—Possibly; it might have been used by me.

87,042. Was the word "pen" used to indicate "revolver" or "pistol"?—I think it was used only by me. I never knew of it being used by anybody else. It was a stupid expression, and the letter was a stupid letter.

87,043. Was it used by you to indicate a revolver?—It was.

87,044. Was there a particular class of revolver that the members of the Fenian body were distributing or selling?—At that time I was distributing French cavalry revolvers and a few *chassepôt* rifles, I think.

87,045. Was there a particular class of revolver, uniform in pattern and uniform in cartridge, which the members of the Fenian body were at that time distributing?—I only know with reference to the revolvers I had to deal with, and these were French cavalry revolvers.

87,046. What number of revolvers had passed through your hands prior to the date of your trial, which was in 1870, as we know?—I would say about 300 or 400.

87,047. All of the same pattern?—All of the same pattern. Well, I think all; there may have been some Colt's—some old revolvers, the cap revolvers, not the self-acting ones; I do not know.

87,048. I am putting to you (whether they are old revolvers or not) were not the revolvers, which you had been distributing, or been the means of having distributed, a higher class revolver, either from its lock action, or some other thing in connexion with its construction?—It was a very cheap revolver. It cost 12s. or something of that kind.

87,049. Now I call your attention to this letter. "Glasgow, Wednesday. Dear Friend." Was that addressed to Arthur Forrester?—Well, I would claim the protection of the court, not to mention the person to whom it was addressed. It was found upon Arthur Forrester.

87,050. I do not at the present moment conceive why there should be any protection as to whom this kind of letter was addressed, I must say?—Perhaps their Lordships will allow me to explain why.

87,051. I think you must answer my question first?—Certainly.

87,052. I propose to ask whether that letter was addressed to Arthur Forrester?—I respectfully say that I cannot, without possibly doing an injury to a man who has done me a great wrong, answer that question.

87,053. It cannot do an injury to say, "Yes" or "No," whether that letter was addressed to Arthur Forrester?—It was found upon the person of Arthur Forrester.

87,054. My question is was it addressed to him?—I respectfully decline to answer.

87,055. "Yes" or "No"; you can answer that.

(*The President.*) Of course I should have thought so; but I see Mr. Davitt does not assent to that. I respect the motive which you have given for your reticence. At the same time you know that I cannot recognise it as a legal excuse. The only ground upon which I could allow a name which was sought to be brought forward to be withheld would be that it was not relevant to this inquiry.

(*The Witness.*) I have been tried for this letter and have undergone seven years' penal servitude. If I am to be tried over again for it, I am prepared.

(*The Attorney-General.*) I did not propose at the present time to ask the name. I proposed to ask a question, the answer to which is "Yes" or "No"—whether it was addressed to Forrester. He does not object to the disclosure of Forrester's name.

(*The Witness.*) Because the letter was found upon him when he was arrested.

(*The Attorney-General.*) Therefore, disclosing Forrester's name is nothing. The question is whether or not it was addressed to him. I have not at the present time carried it any further. It is a different thing from asking the name. I do not with-



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

draw my right to the name, if your Lordship thinks me entitled to it. I must point out that Mr. Davitt in chief himself has given evidence with reference to this which makes it absolutely essential this should be followed up.

(*Sir C. Russell.*) The point is about the name.

87,056. (*The President.*) Yes. Is there any other name than Forrester's involved in it? Can you answer that?—I would be thankful to your Lordship if you would allow me to explain the circumstances about this letter.

(*The Attorney-General.*) You must be good enough to answer the question.

(*Sir C. Russell.*) He is addressing the court.

(*The President.*) He wishes to give an explanation with regard to the letter; and I am bound to say, Mr. Davitt, I think it calls for an explanation. There is an expression about the "pen" which one cannot read without thinking it calls for an explanation.

(*The Attorney-General.*) May I put my question first?

(*Sir C. Russell.*) Mr. Davitt has made an appeal to their Lordships.

(*The Attorney-General.*) With great deference, the witness is not entitled to put an explanation in the first instance before the court with regard to the letter. I am entitled, I respectfully submit, to ask my own questions about the letter in the first instance. If an explanation be required after, well and good. The particular matter your Lordship is dealing with is whether he should answer the question, whether it was addressed to Forrester or not. Of course that is what is under your Lordship's consideration.

(*The President.*) I am not able to see how anyone would be prejudiced by Mr. Davitt being allowed to give the explanation which I have already said I think the letter calls for, and you can take it up again at the point you are now on.

(*The Attorney-General.*) If your Lordship pleases.

87,057. (*The President.*) What is the explanation?—The circumstance arose in this manner, my Lord. A young man, an officer, subordinate to me at that time, 18 years of age—I was at the same time about 20 or 21—conceived a personal ill-feeling to another member of his circle in Manchester. He reported that this member was giving information to the police, and he, this young man, declared that he ought to be shot. This statement was made to me by this young officer. I ridiculed the idea that any man should be shot for speaking to a policeman, and there the matter dropped. I subsequently went to Scotland, and I learnt in my absence that this young man was pursuing this other party with the object of having him assassinated for I think some personal quarrel. I, dreading that an innocent person should be injured, wrote the letter here in question which appears on the face of it to sanction this deed. But I tell the party to whom the letter is written that it must be referred to two names mentioned there—cypher names—my superiors—and I wrote to those persons myself, saying that on no account whatever should they listen to these charges made by this young officer, and the result was that the letter that I wrote, stupid letter as it was, was the means of preventing any crime being carried out.

87,058. (*The Attorney-General.*) Have you any other explanation to give?—That is the explanation of the letter.

87,059. Have you the letter to either of the two persons which you say you wrote?—Indeed, I have not.

87,060. Are they living?—I have undergone nine years' imprisonment since then and I have not kept my correspondence.

87,061. Have you tried to get those two letters or either of them?—Tried to get them?

87,062. Yes?—No; and I do not know where the two persons are who are referred to in the letter.

87,063. (*The President.*) Did you know where they were at the time of your trial?—I did, my Lord.

87,064. At the time of your trial?—I think they had left the country after my arrest.

87,065. (*The Attorney-General.*) I did not, of course, interpose in your explanation which his Lordship thought should be given first. I understood you to say that the young man, as you called him, had declared that this man ought to be shot?—Yes.

87,066. Did you say anything to dissuade the young man from having him shot?—Certainly, on the first occasion when he reported the matter to me.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,067. And I understand that all your action up to that time had been to dissuade the young man from letting this supposed informer be shot?—Well, I prevented any attempt whatever being made upon him or any molestation being given to him.

87,068. Just listen. You have given that explanation. I will stop at the end of the paragraph on which I wish to ask you a question, or I will read the whole letter first and then I will put my questions upon it after your explanation.

“Dear Friend,—I have just returned from Dundee, which place I have left  
 “all right. Your letter of Monday I have just read. I have no doubt but what  
 “the account is correct. In reference to the other affair I hope you won’t take  
 “any part in it whatever—I mean in the carrying of it out. If it is decided  
 “upon and you receive *Jem’s*, and, through him, *Fitz’s* consent, let it be done  
 “by all means; but one thing you must remember, and that is that you are of  
 “too much importance to our family to be spared, even at the risk of allowing  
 “a rotten sheep to exist among the flock. You must know that if anything  
 “happened to you the toil and trouble of the last six months will have been  
 “almost in vain. Whoever is employed, don’t let him use the pen we are and  
 “have been selling; get another for the purpose, a common one. I hope and  
 “trust when I return to *Man* I may not hear that every man, woman, and child  
 “know all about it ere it occurred.”

I believe I have read the whole of the letter?—That is the whole of the letter.

87,069. In the first place, do you now suggest that that letter would be read by the recipient as dissuading him against the carrying out of the crime altogether?—It would be read in the light that he would have to hear from the two parties mentioned before he would attempt anything of the kind; and the reason why I wrote that stupidly criminal letter and appear to give a sanction to his proposal, was this: fearing in my absence that if I gave the same blind refusal I did on the previous occasion he might do some wrong to this person.

87,070. Now, Mr. Davitt, I must press you, if you please, upon this, and I must ask you for an answer to my question. Do you suggest that that letter which I have read to you, or any part of it, would convey anything to suggest that the crime should not be carried out?—Not apart from the reference to “*Jem*” and “*Fitz*.”

87,071. Let me call your attention to this: In the first place, “In reference to the other affair, I hope you will not take any part in it whatever—I mean in the carrying of it out.” Do you suggest that that would indicate that the murder was objectionable, or the assassination objectionable, or only his taking part in it?—It would convey to him a seeming approval of his purpose, and so gain time until he would hear from the parties I communicated with who would peremptorily, and did peremptorily, order him not to do anything of the kind.

87,072. “If it is decided upon and you receive *Jem’s*, and through him *Fitz’s*, consent, let it be done by all means”?—I knew he never would receive any such consent, but I feared that unless I wrote a letter of that kind, being a young man 18 years of age at the time as he was a boy—a foolish, enthusiastic boy,—he might have done some injury to this man.

87,073. And I understand you to say that your fear was lest he should commit the crime hastily and hurriedly without waiting for instructions?—My fear was that he should commit the crime at all, because I believed the man whom he charged to be as innocent of the charge as I was myself.

87,074. “One thing you must remember, and that is that you are of too much importance to our family to be spared”?—Yes, that was flattery.

87,075. By “our family” you meant the Fenian Brotherhood?—Undoubtedly.

87,076. “Even at the risk of allowing a rotten sheep to exist among the flock”?—Exactly.

87,077. Did you not mean to refer there by the words “rotten sheep” to the traitor?—The man that he charged.

87,078. The traitor?—The man that he charged.

87,079. On the ground that he was a traitor?—Yes.

87,080. By “to exist among the flock” did you not mean “to continue in the Fenian Brotherhood”?—In the Fenian organisation or the I. R. B.



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,081. Do you represent that any member of the Fenian Brotherhood would have understood that letter as dissuading him from the murder instead of encouraging it to be carried out?—Any member would have understood what is implied there by the reference to my superiors. I took the precaution to write to them and tell them to have nothing whatever to do with the affair.

87,082. "You must know that if anything happened to you the toil and trouble of the last six months will have been almost in vain." This man was high up, I suppose?—He was a young man whose vanity I flattered; and fortunately prevented any harm being done by that letter, though I admit it was a stupidly criminal letter. With reference to the name I will appeal from this witness box to this man who is now in America to give his name. I have suffered for 20 years in consequence of him, and I appeal from this box to him to give his name to their Lordships.

87,083. I thought you told me a few moments ago you were not sure whether the man was in England or where he was?—No, in reference to the Supreme Council.

87,084. No, I beg your pardon?—Well, I appeal to the shorthand writer.

87,085. "Whoever is employed, don't let him use the pen we are and have been selling." Assuming it was simply to dissuade the man you know from committing the murder or the assassination or that he should not act, what was the object of saying to him "Don't use the pen we are and have been selling"?—The object of the whole letter was to gain time, to make him believe I was acquiescing in his design until the men that I refer to would communicate with him and peremptorily order him not to do anything of the kind.

87,086. Supposing he had used the pen you had been selling and had been caught, it might have indicated the source from which the revolver came?—If that letter had anything to do with an assassination I would deservedly merit penal servitude for life, and I am happy to say that no human being has ever been injured as a consequence of that letter.

87,087. "Get another for the purpose,—a common one." Why is he to get a common revolver to do it with?—I have already explained the general purport of the letter. Every sentence in it has the same meaning and the same purpose.

87,088. ((*The President.*) Every sentence in it is made to look as though you did not disapprove?—I know it is, and I have explained why I wrote that letter.

87,089. And it is entirely upon your explanation that you wrote a letter to somebody or other?—To my two superiors. They immediately communicated with him.

87,090. Did you offer this explanation at your trial, Mr. Davitt?—No, my Lord, I did not. To do so would be to incriminate the very man who was the cause of all this trouble and of my imprisonment.

87,091. (*The Attorney-General.*) But, excuse me for saying so, according to you the two men whose names you there refer to were to act so as to prevent the crime, that is to say to write and prohibit it?—Certainly, but their position in the I. R. B. would have placed them in a very short time in my position.

87,092. Then I understand you to say that Jem and Fitz were people in the I. R. B.?—They were my superiors.

87,093. Both members of the Supreme Council?—Yes.

87,094. How many members of the Supreme Council did you know?—I only knew my own member.

87,095. Then why were two referred to here?—Because he would have to refer to the member of the Supreme Council who was secretary of that body.

87,096. Was your own member Jem or Fitz?—Jem.

87,097. Who was Jem?—That I respectfully decline to answer.

87,098. Who was Fitz?—I do not know where either of them are to-day. I believe they are in America; but unless they relieve me from my obligation to them and to others, I could not, without being guilty of a gross breach of honour, mention their names.

87,099. Now I call your attention to this, that there is not a paragraph of this letter, as it would be read by any person who would read it with ordinary comprehension, which even, directly or indirectly, purports to dissuade from murder or assassination?—I admit that. It was written by me when I was 20 years of age. It was a

two members of



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

criminally stupid letter. I was not a very experienced conspirator. As I said this morning, the Irish race were never intended to be conspirators.

87,100. Now Mr. Davitt, you know you have been asked by my Lord a question I should have put to you. Was one word of this explanation suggested at the trial?—I did not, for the reasons I have explained. I preferred going to prison to incriminating another.

87,801. Was the suggestion made on your own personal instructions that you were selling the revolvers to Irish landlords?—No, I never made any such ridiculous statement. It was a statement made by a lawyer, without any instruction or warrant from me.

87,102. That you represent?—I was a prisoner in the dock and had very little opportunity of instructing counsel.

87,103. Yes, I wish to give you every opportunity of giving any reason you wish to give, but in connexion with what you have now said as to the purport and object of this letter I must again press you. Was that statement made on your behalf?—Every statement made by a barrister in the case was presumably on my behalf, but certainly not on my instructions.

87,104. Quite unknown to you?—I heard it in the court.

87,105. That you were selling them for Irish landlords?—Yes, lawyers very often take flights of fancy, like other people.

87,106. (*The President.*) Who was the counsel?—I think the leading counsel was Mr. Griffith. There was Mr. Baker Green; I forget the name of the third.

87,107. (*The Attorney-General.*) You had three counsel?—Yes, three counsel.

87,108. Did he not state he was instructed by the prisoner to say that the revolvers were being sent to Ireland for the Irish landlords to defend themselves?—No, I never instructed anybody to say anything of the kind.

87,109. That is not my question. Did not your leading counsel say that in your hearing: that he was instructed by the prisoner to say that the revolvers were being sold to be sent to Irish landlords in order to protect themselves?—I had forgotten every word that all the counsel said on the occasion until you mentioned that matter now.

87,110. I will endeavour to call your attention to a contemporary report of it, Mr. Davitt. I must, if you please, carry this a little further. Had this letter been torn up?—It was torn up by Forrester as he was arrested in Liverpool.

87,111. As he ran away?—No, I think he was arrested in an eating-house or a small hotel by three or four detectives, and he attempted to tear this letter up.

87,112. And throw it away?—And throw it away.

87,113. It was pieced together?—Yes, and produced against me on my trial.

87,114. In your own handwriting?—In my own handwriting, yes.

87,115. Of course I do not expect you to have made any admission on that trial. I do not say you ought to; but I must ask you, have you taken any steps whatever in connexion with your statement to-day that you have never been party to any assassination, or that the letter had nothing to do with assassination, to ascertain—

(*Sir C. Russell.*) He did not say that.

(*The Attorney-General.*) I beg your pardon; he said it in chief this morning to you. I took it down at the time. It will appear on the shorthand note to-morrow.

87,116. Have you taken any steps at all to endeavour to get copies of these letters or find out whether they have still been preserved?—What letters?

87,117. The letters you say for the first time you wrote to Jem and Fitz?—I never kept a copy of a letter—

87,118. I did not say "kept a copy." I say endeavour to ascertain whether the two letters have been kept?—I do not know whether the two individuals are on the face of this earth to-day; I think they are in America.

87,119. I thought you said Jem and Fitz were in America?—Yes.

87,120. You know their names?—~~No, I do not.~~

87,121. Never seen them since?—No, never since I came out of prison. I believe they were frightened out of the country when I was arrested. It was rumoured some documents were found upon them and some addresses.

87,122. Have you ever given this explanation of the letter being written until to-day?—Privately.

*I do*



2 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,123. Have you ever given the explanation (of course I mean given publicly) of the letters being written to Fitz and Jem to prevent the assassination being carried out?—Yes, on repeated occasions. With reference to the letter, in Great Britain, in meetings it has been brought up against me wherever I have addressed a meeting by the local Tories and Liberal Unionists. I have declared in a sentence the letter was written to prevent assassination and not to carry it out.

87,124. My question is this. You declaring the letter was written to prevent assassination, and I pointing out to you that every word of that letter on the face of it apparently contradicts that statement, have you ever given the explanation about writing to Fitz and Jem until to-day?—Innumerable times to my acquaintances.

87,125. But I speak of in public?—Except in the way which I have mentioned, by generally declaring that the letter was written for the purpose I have sworn here it was.

87,126. You have said now, when this letter has been brought up against you, that you have said in general terms the letter had nothing to do with assassination?—That the letter was written to prevent assassination.

87,127. The letter was written to prevent assassination?—Yes.

87,128. Have you ever on any one of those public occasions given the explanation you have given to-day, that you counteracted the effect of the letter by writing to Jem and Fitz?—That was the sense of what I said.

87,129. Have you ever said so directly or indirectly?—Not at the length that I have sworn to it to-day.

87,130. Beyond stating that the letter was written to prevent assassination, have you ever made any statement about it at all?—No. In general terms I spoke of it in that way where I found it necessary to repudiate that statement.

87,131. Have you ever referred to the letters written, as you allege to-day, to Fitz and Jem, until this morning, when I asked the question?—No, I do not think I have, except privately. I may state that I have made this explanation through a second party to the late Professor Maguire, who was anxious to know all about that paper.

87,132. Who is the second party?—Mr. Rolleston, of Dublin.

87,133. When was this?—Two or three years ago, and he had my permission not to publish it, but to circulate it among as many Unionists and Tories as he cared.

87,134. What was the objection to publishing it if it was true?—I did not care what the opinion of my political opponents was about me. I knew the Irish race all over the world would never think me guilty of such a thing.

(*The Attorney-General.*) There is no reason for saying "Hear, hear."

(*Sir C. Russell.*) Why do you turn to me?

(*The Attorney-General.*) I did not turn to you.

(*The Witness.*) I gave the general explanation I gave here to-day. It was accepted as sufficient by everybody who knows me, and those who do not know me I care very little what they think of me.

87,135. The public statement has never been made till to-day?—The public statement was made, as I have explained, that that letter was written to prevent assassination.

87,136. The public explanation you have made to-day has never been made till to-day?—It is made to-day on oath.

87,137. It has never been made till to-day?—Not as extensively as I have given it you.

87,138. Or at all, except saying the letter was written to prevent assassination?—Repeatedly in that way in England and Scotland for the last six or seven years.

87,139. You will not apply your mind to my question. I repeat my question to you?—I have answered you half a dozen times.

87,140. Beyond the statement you say you have made publicly that the letter was written to prevent assassination, has one part of the story or one incident of the story you have told me ever been publicly stated till to-day?—No, except in the way I have mentioned.

87,141. Is the "dear friend" in England or America?—He is now in America. He left this country about two or three years ago, and I appeal to him from this witness-box to tell the truth. I have borne this stigma for his sake for 20 years, and imprisonment as well, rather than not hand him over to justice, and I hope he will do me this act of justice now.



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2 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,142. Is Forrester in England or in America?—I do not know where he is.

87,143. Have you ever seen Forrester again?—Yes, I met him about two years after my release. He was then in very destitute circumstances. He had lost a leg by a railway accident, and I think I met him on the eve of my departure—no, some time before my departure in 1886 for America. He was employed on the “Irish Times” in Dublin for three or four years.

87,144. Do I understand you to say he is in America now?—I told you I did not know where he is now.

87,145. When did you last see him in Ireland?—I think some time in 1885.

87,146. Are you quite sure it was as late as that?—I will not be positive.

87,147. Are you quite sure it was later than 1883?—Well, I will not be positive. I only met him twice, I think, since I was released from prison, altogether.

87,148. Did you know any relations of Forrester's?—Yes, I knew his mother intimately, who is now dead. She was a woman of great culture, and had written a book of poems.

87,149. Did you know his mother-in-law or his wife?—Yes, I think I met his mother-in-law and wife in Manchester in 1869, before I was arrested.

87,150. Did you know either of those after you came out?—No, I never met them.

87,151. Or saw them?—Or saw them after 1869.

87,152. Do you know whether Forrester or any of his relations have figured in any other political trials or important trials, since you came out?—No, I do not know. I think Forrester himself was imprisoned in Ireland in 1867.

87,153. I said since you came out. You are not attending. You did not catch what I said. I said since you came out from prison. Did you know of any member of the family having anything to do with any of the evidence in the Phoenix Park trials?—No.

87,154. Not as setting up an alibi for any of the accused?—I was in Richmond during the trial.

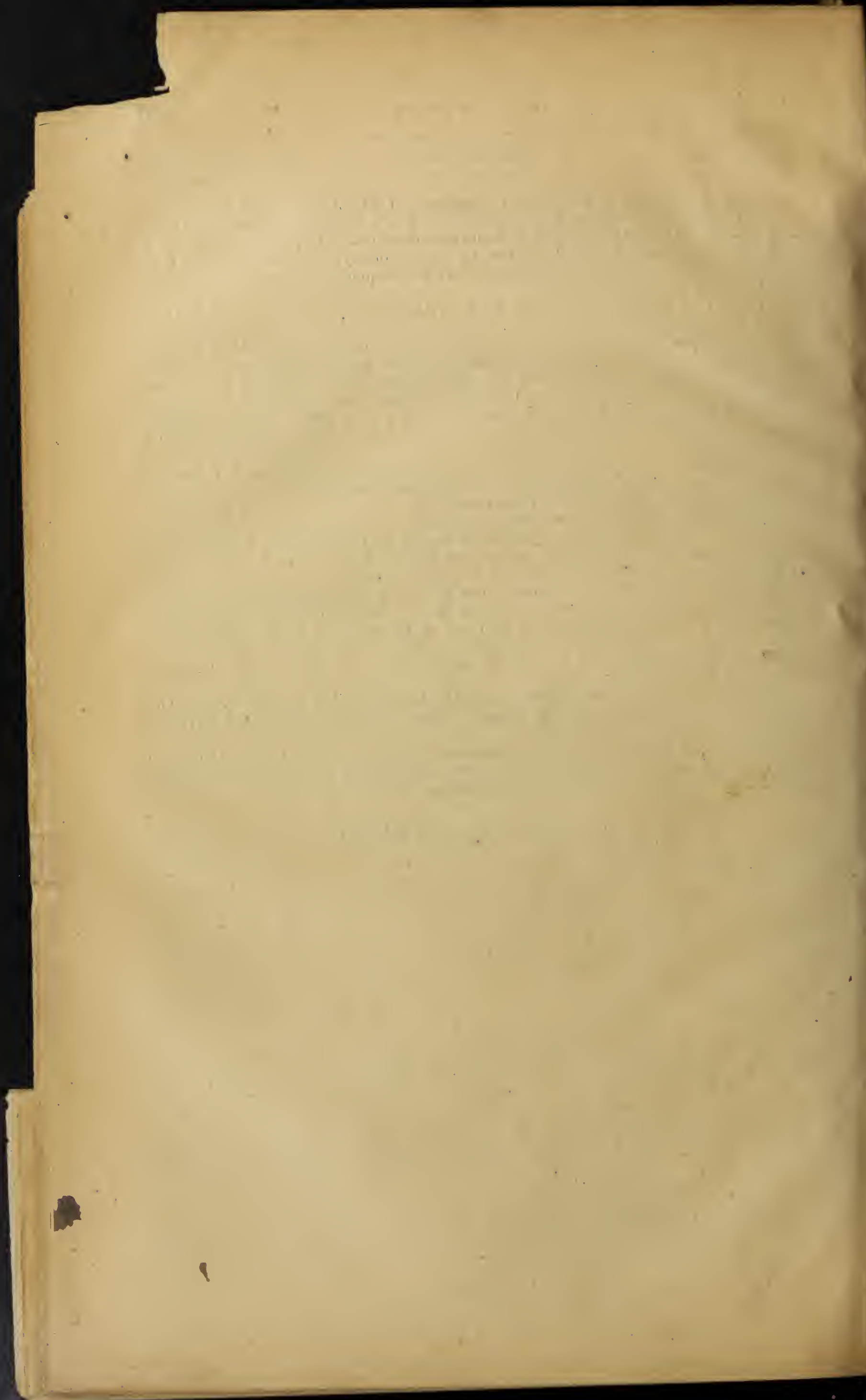
87,155. You say you know nothing about it?—I cannot call it to memory that any member of the Forrester family did appear. Possibly Forrester himself, for anything I know, may have.

87,156. I will endeavour to give you the actual reference to what I wish to bring to your memory in connexion with something which happened in America—but at present you have no recollection?—I have no recollection.

[Adjourned to to-morrow at 10.30.]

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SPECIAL COMMISSION ACT, 1888.

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ROYAL COURTS OF JUSTICE,  
PROBATE COURT, No. 1,  
Wednesday, 3rd July 1889.

Mr. MICHAEL DAVITT recalled.

Further cross-examined by the ATTORNEY-GENERAL.

(*The Witness.*) My Lords, I wish to make a slight correction, but a necessary correction, in two statements I made yesterday. In answer to a question by Sir Charles Russell, I said that a Mr. Ives, a reporter of the “New York Herald” told me that he got this interview with James Mullett. I should have said that Mr. Ives told me that he did not know which of the two Mulletts it would be who gave him the interview. In answer to a question by the Attorney-General about Forester, I said, the last time I saw him was sometime in 1885. I find I saw him in Dublin in 1884, and subsequently saw him in New York at the “Irish World” office, for a few moments, in 1886.

87,157. (*The Attorney-General.*) Mr. Davitt, I have one or two more questions I must put to you with reference to this trial. I have the “Times” report before me now which I had not yesterday. Forester was called as a witness for you, was he not?—Forester insisted upon offering himself as a witness, against my express protest, to my solicitor.

87,158. Whether that be so or not, he was called as a witness for you?—Without my advice—contrary to my advice.

87,159. Whether contrary to your advice or not, he was called?—He gave evidence, yes.

87,160. Was Forester a Fenian?—Yes; he was arrested in Dublin in 1867 as a Fenian.

87,161. He was a Fenian?—Yes.

87,162. Had he attended Fenian meetings?—I believe he did.

87,163. In your presence?—That I cannot answer without his permission.

87,164. Pardon me, this is no question of his permission; you said he was a Fenian?—I said he was arrested, and the fact of his arrest is a public matter, a record.

87,165. Had he not attended Fenian meetings in your presence?—Without his permission I cannot answer that question.

87,166. If he had not attended Fenian meetings you can say so; it is not a question of his permission?—I have told you he was arrested as a Fenian.

87,167. I must ask you to answer my question; had he not attended Fenian meetings in your presence?—Whenever I attended a Fenian meeting I took a pledge or oath not to reveal the names of those present; unless he can release me from that obligation I cannot answer your question.

87,168. Will you say that Forester did not attend Fenian meetings?—I will not say that.

87,169. Did Forester say, when called, that he had never attended Fenian meetings?—I do not know; I do not recollect what he said.

87,170. That he was not a Fenian?—He may have said that. I do not recollect.

87,171. If he did say that in your presence, you knew that that was not true?—That is 20 years ago, and I have tried to blot him out of my memory as well as I could.

87,172. But I am entitled to refresh your memory?—I cannot tell you unless I can recollect. I cannot recollect what he said; he came and offered himself—thrust himself on my solicitor as a witness against my express request that he should not be a witness.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,173. I must just put this to you, this statement of what I suggest to you he said is taken *verbatim* from the report in the "Times" of the 19th of July 1870.

(Sir C. Russell.) You have no right to say it is taken verbatim from a report in the "Times."

(The Attorney-General.) —

"Arthur Forrester, living in Brighton Street, Salford, and at present, he stated, a newspaper correspondent and lecturer, said he saw a report of Corydon's evidence" —

(Sir C. Russell.) I ask, my Lords, is this regular? The Attorney-General has a right to put anything to a witness, and ask him if it occurred in his presence, if it is material; but I submit he has no right to say that he is reading something verbatim from the "Times" or any other paper.

(The President.) I do not think it seems to call for any reprehension on our part.

(Sir C. Russell.) I respectfully object to it. If your Lordship says it is regular, well and good.

(The President.) I do not see anything irregular in it.

(The Attorney-General.) Attend to this, and I ask you whether this was not evidence given in your presence:—

"It was untrue that witness attended fenian meetings at Liverpool in 1867. He first saw Corydon in March 1867, when in Kilmainham prison. He was brought to identify witness, and did not do so. Witness was afterwards tried before a Special Commission for having arms in a proclaimed district. He was not a Fenian. Asked as to a letter the police had said he tore up as they were about to arrest him, he said he received it from Davitt. It was in the handwriting of Davitt, who had received the original from some quarter, he could not say whence, and left witness the copy in order that witness might give him his opinion upon it."

Do you remember that evidence being given in your presence?—I remember that part of his evidence.

87,174. Then in cross-examination:—

"Witness corresponded with the 'Irishman' newspaper, of which Mr. Pigott is the editor, and had done so since January 1868 constantly; occasionally before. He had never attended a Fenian meeting; that he swore. He knew Regent Street, Liverpool. He might have been in a public-house in that street on the 30th of December 1868, but he attended no Fenian meeting there. He was living at Salford at that time. He met Davitt in Liverpool in 1869 three or four times. He had known him about 18 months or two years, and had seen him pretty frequently at Manchester, and he believed at Leeds also. He never knew him by the name of Jackson, or any other than that of Davitt. He understood him to be a travelling draper. He had known the witnesses for the defence since he had come to London, and had been staying with them. Witness was accustomed to lecture on Irish poetry, literature, Irish life in England, and other subjects. About the time of the seizure of the arms at the 'Glassmaker's Arms,' Newcastle, he happened to be there lecturing, and went out of curiosity to see the place. Being asked if he did not lecture on Irish politics, he said he had delivered a burlesque on politics, ridiculing everything political. (Laughter.) Witness was arrested with other men in Dublin for having arms in a proclaimed district, and he was convicted. The others were kept under observation under a warrant of the Lord Lieutenant. In December 1869, he was arrested at Liverpool with a loaded revolver in his pocket, and had four others in his carpet bag at the same time. He had them to sell, and he had the loaded one for his protection against thieves and garotters. Before that, for a short time, he had sold revolvers to anyone who would buy them, but not since. He sold a revolver to a Mr. McCabe, a reporter to a St. Helen's newspaper, and two or three to Mr. Danvers, a newsagent at Liverpool. Those were the only persons to whom he remembered having sold any. He had no place of business for the sale of arms. He sold some to Mr. Conolly, a butter merchant, which he had bought of a Mr. Minningham, Harper's Buildings, Weaman Street, Birmingham. He went to Birmingham to find someone of



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ whom he could buy revolvers. A stranger at the house at which he was lodging  
 “ referred him to Minningham. It was not Davitt. He had seen Davitt both  
 “ shortly before and shortly after. Davitt knew witness was trading in arms.”

“ *By the Lord Chief Justice.*—He loaded the revolver at Liverpool, because  
 “ he did not like the house at which he was staying. He carried ammunition  
 “ then loosely in his pocket. He meant to say that seriously, and that he had  
 “ brought the ammunition from Salford.

“ *By the Attorney-General.*—When he was arrested in Dublin he took a loaded  
 “ revolver from his pocket, but not to fire it. He did that only to give it up.  
 “ He was then very young, and he carried the revolver about with him by way of  
 “ bravado. He was in the act of taking it out of his pocket when he was seized.  
 “ He then lost his temper and resisted, having been treated roughly by the police.  
 “ Others with whom he was in the same public-house at the time were arrested,  
 “ but he knew none of them. They were taken in a back room there, all having  
 “ revolvers at the time. That was on the 9th of March 1867, three or four days  
 “ after the Fenian rising in Ireland. The revolver was given to him by one  
 “ Lynch, an Irishman, who was then going to America. Witness had been in  
 “ Ireland since the Saturday morning after the Chester raid. He had gone from  
 “ Liverpool by himself, but there were a great many Irishmen in the same boat  
 “ and he was in Dublin at the time of the rising. His health was bad at the  
 “ time, and he went to Ireland for its benefit, intending to stay a fortnight or  
 “ three weeks, having an aunt in the North. He was tearing the letter up just as  
 “ the police came in. He did not tear it up because they came; that was a  
 “ coincidence. He knew it was a dangerous document to have about him, because  
 “ the meaning of it would be very palpable. There was an accompanying note  
 “ from Davitt, saying he believed it was a police trap, and witness destroyed that  
 “ as soon as he read it. The second letter he tore when the police came. It had  
 “ reference to a secret understanding between some traitor to the Fenians or some  
 “ secret society.

“ *By Mr. Griffiths.*—On his oath, Witness never attended any Fenian  
 “ meetings. He was a newspaper correspondent at that time, and a hawker of  
 “ cutlery.”

(*Mr. Davitt.*) I will just briefly call your attention to the other witnesses on your  
 behalf in a moment. Was that evidence of Forrester's given in your presence?—  
 It was.

87,175. Now, having heard me read it through, do you remember that it was sub-  
 stantially the evidence that he gave?—I do. I have not read it for 20 years.

87,176. Then was there called Eliza Geogeaghan, of 41, George Leigh Street,  
 Manchester?—There was.

87,177. Also a witness for you?—Yes.

87,178. “ Spoke to three revolvers and some cartridges having been found in her  
 “ house, and to their having belonged to a lodger, James Broderick, who had  
 “ gone away and left them for rent he owed her. On the 21st of April her house  
 “ was searched by the police. They found the revolvers, two in a cupboard and  
 “ one in a box upstairs. About a month afterwards Broderick applied to her for  
 “ them.

“ *By the Attorney-General.*—Her husband is a cabinet maker, and an  
 “ Irishman.”

Was James Broderick a witness also called?—I am not sure.

87,179. As a witness for you?—I am not sure. I do not remember. If it is so  
 reported there, he was.

87,180. “ James Broderick, the lodger, living in Taylor Street, Lower Broughton,  
 “ Manchester, said he knew the prisoner Davitt in April last. He was introduced  
 “ to witness as a hawker of fire-arms, and he bought three revolvers and  
 “ 100 cartridges from him. Witness was then going to Philadelphia, where he  
 “ had a father and sister, and thought he could buy revolvers cheaper here than  
 “ there. He paid 27s. each for the revolvers; 3l. down before he got them. He  
 “ afterwards left them in the house where he was lodging, because he then owed  
 “ the landlady 2l. 3s. He applied to her for them, but did not get them.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ *By the Attorney-General.*—He wanted one revolver for himself, another for his father, and a third for a friend in America. He was told it was a general thing to carry a revolver there. He was the son of Irish parents, and was born in Bristol.”

Was it true that you had ever been a hawker of revolvers?—No.

87,181. James Clark, was he called as a witness?—I really do not remember. If it is printed there, he must have been.

87,182. I mean of course as a witness for the defence for you?—I really do not recollect; if it is there, he evidently was.

87,182*a*. “A copper extractor, living at Willington-on-Tyne, said he knew Davitt, and remembered buying either seven or nine revolvers of him about eight years ago for Father Sharples, the parish priest there. The houses of some Catholic priests had been robbed in that neighbourhood about that time, and Father Sharples wanted them for his protection. Davitt then gave an address in Manchester. Witness paid 32s. or 36s. apiece for the revolvers, and had to pay in advance.”

Was that true?—I never hawked any revolvers in my life.

87,183. “The Attorney-General reminded the Lord Chief Justice that all the revolvers referred to in the case were No. 12, and that all the ammunition bore that number.”

There was an *alibi*, I think, set up on your behalf?—That was with reference to the evidence of Corydon, whose evidence was false.

87,184. There is only one other matter with reference to this trial. I ought to read it exactly in the words I put to you yesterday. On the previous day in the opening, before the witnesses were called, on the 18th of July, there is this by Mr. Griffiths. I will read the whole if you like. This is the passage I read to you yesterday:—

“He was directed by the prisoner to explain that after leaving his situation as a compositor, he took to travelling about Lancashire as a drapery hawker, and that, noticing the frequency of agrarian outrages in Ireland, he engaged merely as a matter of profit to send arms for the safety of the Irish gentry. These he procured from Wilson in the ordinary course of trade, and without the slightest concealment. The cheapness of the arms was no proof that they were for illegal use, neither was the fact of the prisoner being in possession of a considerable sum of money any evidence of his guilt. He concluded by disclaiming for his client all participation in the Fenian organization, and by reiterating not only his entire innocence, but also his perfect loyalty.”

I call your attention to that statement; it is made before the witnesses are called who spoke to your hawking about arms?—Yes.

87,185. Do I understand you to say that that statement counsel was directed to make for the prisoner?—I never spoke to him in my life, and never instructed anybody to tell him to say that. I may say I am not a man who resorts to subterfuge. I would not do it even to save myself from penal servitude. Perhaps you would have no objection now to read what I said after I was sentenced.

87,186. Certainly:—

“The jury then retired, and after an absence of 20 minutes returned into court with a verdict of guilty against both prisoners.

“Upon that, the prisoner Davitt, as sentence was about to be passed, made an earnest appeal to the Judge, not for himself, but for Wilson, stating that if Wilson was guilty, he (Davitt) was to blame for his guilt, and that Wilson never knew until he arrived at the Paddington station that he (Davitt) was an Irishman, or that his name was not Robert Jackson. He would cheerfully undergo any additional punishment if Wilson's wife and family could be saved from a workhouse; and he begged that his punishment, if the sentence against Wilson was irrevocable, might be added to his (Davitt's) sentence.”

87,187. Wilson had been charged with you for sending arms?—He was charged with misfeasance of treason.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,188. The overt acts were conveying arms to Ireland?—No, the overt act on which I was sentenced was that sworn to by Corydon, that I attended a meeting in Liverpool at which the subsequent insurrection in Ireland was planned, and I was no more there than you.

87,189. That is not the question. I wish to put a plain and specific question to you, whether the charges in the evidence against you and Wilson were not for consigning arms which were going to Ireland?—That was the minor charge; they could not have given me 15 years penal servitude for sending arms to Ireland unless it was proved, or tried to be proved that they were going there for an illegal purpose.

87,190. And it was Wilson who had been engaged in the sending of arms to Ireland?—No, Wilson had been engaged in manufacturing arms for me.

87,191. Which were forwarded to be consigned by you?—Sent to Ireland by me, and seized by the police. Now, I ask, may I be permitted to read three articles from the "Times." The "Times" is my accuser here, and the Attorney-General has read from the "Times" a report of my trial. I want to know if I have a right to reply to that accusation from the "Times" newspaper?

(The President.) If it bears upon this question we are now discussing I certainly would allow you to do it; but I think you had better look at it, Sir Charles, yourself, and see if it has a bearing upon this question.

(The Witness.) Perhaps your Lordship overlooks the fact that I am charged here in a special indictment with having been tried as a Fenian and convicted as such; I am being retried here again for what I did 20 years ago, and which I have legally expiated, and I now ask your Lordships to allow me to read from the "Times" that which would explain to what extent I was legally or illegally charged with the crime of Fenianism.

(Sir C. Russell.) I have not seen it; I shall be glad if your Lordship will allow it to be read.

(The Attorney-General.) I am not entering into a discussion with the witness upon the points of my questions or the reason for them. If it is read now, I shall not have the slightest objection, but I should have thought that Sir Charles should have seen it first.

(The President.) I should have thought so too; as Sir Charles has had the kindness to examine Mr. Davitt I think it would be as well.

(Sir C. Russell.) Except that if it has any legal effect it would be as well to have it read now.

(The President.) I must tell you I do not see how reading this article *in extenso* could be applicable to the matter in hand; for that reason I should prefer that Sir Charles should look at it, and if he thinks it is pertinent I should allow it to be read.

(The Witness.) One of the articles is written on my conviction.

(The President.) Be it so; but that, I think, is the course I should prefer being taken.

(Sir C. Russell.) Of course we defer to your Lordship's view upon this. Mr. Davitt, will you hand me the articles, and I will look at them. (The articles were handed to Sir C. Russell.)

(The Witness.) One is the 29th April 1858, justifying the attempted assassination of the Emperor of the French, a leading article from the "Times"; the next is Tuesday, July 7th, 1870, a leading article on the Fenians; and the other is a leading article on my conviction.

(The President.) The article on your conviction seems to be pertinent on the matter, but the other, about an attempted assassination of the Emperor of the French, has really nothing to do with this matter.

(The Witness.) It is a justification from the "Times" of political assassination.

(The Attorney-General.) If your Lordship thinks it better it should be read now; I do not object to the one upon the conviction.

(The Witness.) This other one was written a few months before my arrest in 1870.

87,192. (The Attorney-General.) I must ask you one or two other matters I do not quite understand. You said you had never seen Arthur Forrester again after you came out?—No, I do not think I said that. I think I told you I saw him a couple of years after I was released.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,193. That would be about 1879?—Yes, possibly 1879 or 1880; and then again in 1884, and lastly, in New York in 1886, for a few moments.

87,194. Was Arthur Forrester on the staff of the "Irish World"?—No.

87,195. At any time?—He had been recently—not at present.

87,196. How long?—He was at the time I met him in New York in 1886.

87,197. In 1884?—I think not; I think 1885 and a part of 1886.

87,198. I do not want to take now what I shall be obliged to take later in order of date, but I want to distinctly understand you: you saw him in 1886, and you knew he was on the staff of the "Irish World"?—Yes; he is not on the staff now; he has been dismissed.

87,199. In 1884?—In 1884 in Dublin, I think that was the last time before he left Ireland.

87,200. And where in 1879?—I think it was in Liverpool 1879 or 1880, I am not sure.

87,201. As I gathered from your evidence yesterday, you do not disapprove of the Fenian organisation, or of the Fenian purpose, it is the absence of success makes you object to what I call physical force?—I do not repudiate the idea of physical force; I believe that physical force is the *ultima ratio* of modern force.

87,202. You have no objection to that?—Not on principle; I have no objection to it on principle.

87,203. Either upon legal or moral grounds?—I expressed myself yesterday in this way, that if we had sufficient physical force in Ireland to justify a movement for Irish National Independence, we have cause enough to resort to such methods.

87,204. And you yourself would have no hesitation in taking part in it?—Not the slightest.

87,205. What I put to you is, in speaking of the years 1879 up to 1885, that that was your feeling, that you would, if there was a prospect of success, have taken part in a movement to obtain the independence of Ireland by physical force?—Yes; but I knew there was not a ghost of a chance.

87,206. Your objection was to the want of the chance of it?—I knew there was no chance whatever, therefore I left the physical force movement and went into the constitutional movement.

87,207. With reference to one or two overt acts before the time of your trial, did you approve of the blowing up of the Clerkenwell Prison?—I did not.

87,208. Did you ever express any disapproval of it?—I really do not know; I possibly quoted what has been said about the Clerkenwell explosion by eminent statesmen.

87,209. It is a specific question whether you ever up to this time, a leading Nationalist, expressed any disapproval of it?—I think in private conversation I have.

87,210. Because of its want of success?—No, because it was a cowardly thing to do, and such a thing as I would never give the slightest sanction to.

87,211. Did you approve of the attack on the prison van in Manchester?—I had no opportunity of disapproving of it, because I knew nothing of it until it occurred.

87,212. When did it occur?—I think it occurred in September or November 1869.

87,213. I put this to you that during the three years between that and the time of your sentence, I understand you to say you neither expressed approval or disapproval of it?—I have never expressed any disapproval of the action of the men who went to release their chief, and I, in common with every Irishman in the World, expressed regret that a brave policeman lost his life in doing his duty.

87,214. I was dealing with the act, the forcible attack on a prison van containing prisoners, have you not expressed approval of that conduct?—I certainly have lauded the men who went there to help their comrade, and if I had been ordered to have gone there I would have gone there, and if I had gone there would have been no life lost.

87,215. As an act of warfare, you would have approved of it?—I should approve of it as an act of warfare; I should not approve of these men being sent to penal servitude for it.

87,216. Whether you do that or not, you did not express any disapproval of it?—I knew nothing of it beforehand, therefore I could not disapprove of it.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,217. It comes to this then, that you did not disapprove of the act whereby rescue was to be attempted of Fenians who were going to be tried?—I knew nothing of it beforehand, therefore I could not have disapproved of it.

87,218. There may be approval afterwards as well as before. I put it to you whether you have not repeatedly expressed approval of it?—I have lauded the men who took part in it, because I think they were brave men who sacrificed their lives for Ireland. They may have been mistaken, as many think. I have here a speech of John Bright's on the subject. I got it from the "Times." Will you allow me to read it.

87,219. That does not seem to bear upon the question. I am asking you. Sir Charles Russell can read it if he thinks it has any bearing on the question when he re-examines you. Now, Mr. Davitt, when you were released, which I think you said was on the 19th December 1887?—Yes.

87,220. There was a breakfast given to you, was there not?—Many, Mr. Attorney.

87,221. I mean a notable breakfast, when you were received with a reception committee for yourself, Chambers, McCarthy, and O'Brien?—Yes.

87,222. That was shortly before the occasion when one of the prisoners died very suddenly, one of those who were released?—The very morning of the death of poor Sergeant McCarthy.

87,223. I wanted to ask you who were the members of that reception committee, Mr. O'Connor Power?—I think you are mixing up different things. You are going away from the breakfast, are you not, Mr. Attorney?

87,224. I am at the present moment asking you who were the members of the reception committee in 1878?—There would be about 10 or 15 or 20, possibly. I cannot remember their names. I believe Mr. O'Connor Power was the chairman, Mr. Parnell was a member, Mr. Biggar, and possibly Mr. Egan.

87,225. I think the date of the release was in December 1887?—The 19th December.

87,226. And the occasion of this reception was the 14th January 1878?—On my arrival in Ireland.

87,227. I wish to get from you with reference to the questions I put to you the names of those persons who were the members of the committee?—I have told you of the names I remember; doubtless there are more, if you read them over I will answer you.

87,228. The address that was signed on behalf of the people of Dublin was signed by Mr. Parnell, Mr. Biggar, John Dillon, Patrick Egan, James Carey, and Thomas Brennan?—Yes.

87,229. With the exception of Mr. Parnell, had all the others at one time or other been Fenians?—I cannot answer as to them all.

87,230. Mr. Biggar?—He has sworn here that he was.

87,231. John Dillon?—John Dillon never was a Fenian to my knowledge.

87,232. Patrick Egan?—I think Patrick Egan was.

87,233. James Carey?—I know nothing about Carey except what he told about himself in the witness box in Dublin.

87,234. Thomas Brennan?—I believe Thomas Brennan was, because at that time every man worth his salt in Ireland was a Fenian.

87,235. All the men, as I gather, worth their salt, as your expression is, were members of the Fenian organisation?—I am speaking now of the working class, to which I belonged.

87,236. I quite understood the class of Nationalist to which you belonged were all Fenians?—Well, all those who had good characters were Fenians in those days. No man who was not a man of good character was allowed into the organisation.

87,237. Had you formed any idea at the time you came out of prison, or before you came out of prison, as to the cause of failure of the previous revolutionary movements?—Yes. I wiled away many an hour in prison thinking over past failures in the struggle for Irish liberty, and I came to the conclusion that the movement by way of secret society could do no good for Ireland, and I tried to persuade people outside who had been in the secret movement with me to take the New Departure that I took.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,238. I will give you an opportunity of giving these explanations afterwards, but I wish to ask for an answer to a particular point which I put to you now. You had considered the cause of failure of the previous revolutions, or attempted revolutions?—I had.

87,239. By this, I presume the meaning the rising in 1848?—Oh, from 1798 downwards.

87,240. Your opinion was, was it not, that they had failed because they had never got hold of the people?—Well, they failed for many reasons; the vast majority of people of Ireland would have nothing to do with secret conspiracy.

87,241. I am not, for the moment, if you please, on the distinction between secret and open movement. I will give you an opportunity, as I have said before, of dealing with that question, but what I want to put to you is, had you not come to the opinion that the movement for the independence of Ireland had failed for two reasons—

“First, that there had never been one in which people had been united; “secondly, that the movement had been wholly sentimental. For Irishmen to succeed they must be united—they must have a practical issue to put before Englishmen and the world at large.”

I am reading what I may tell you is a quotation from your own life by Cachman, page 210, revised by yourself?—No, I beg your pardon, I never revised anything of the kind; however, what you are reading now is an extract from an interview which I gave to the “New York Herald” in 1882, and is substantially correct.

87,242. It does not appear to be an extract from an interview. You, however, had an interview, and it has been published in what is known as the Balch interview?—That is the incident to which I refer.

87,243. What I read to you is substantially accurate, is it not?—Yes, it is. I have a copy of that interview here.

87,244. “Sentiments cannot be relied upon to move neighbouring nations, and when changes of great political importance, involving an alteration in the policy of a country like England, Conservative, and somewhat slow to move, are to be brought about, there must be something practical in the issue put forward. I saw all this, and I made up my mind that the only issue upon the Home Rulers, Nationalists, and obstructionists, and each and every shade of opinion existing in Ireland could be united was the Land Question. I at first proposed my plan to leaders of the Nationalists when a short time out of prison, but they refused to have anything to do with Constitutional agitation. Among nations of the present day secret political associations are an anomaly. Do not misunderstand me. If the right of free speech be denied them, in my opinion, in order that men may meet to plan deliberate and resolve upon the method which remain to them of winning justice by giving a voice to the grievances under which they labour of putting their case clearly before the world, and constituting the world the judge between themselves and tyranny; they have a right to form themselves into secret associations. If meetings in public cannot take place, meetings in private should, because, before all things, it is necessary to show some front to tyranny and injustice.”

I have read the whole of the passage. Does that represent what was the state of your mind with reference to the question when you came out of prison?—It was.

87,245. Who were the leading Nationalists to whom you proposed your points to when you had been a short time out of prison?—Members of the Supreme Council of the I.R.B., and the meeting in Paris, to which I referred yesterday.

87,246. Who were they?—I cannot give you their names without their permission. Matthew Harris was one. Matthew Harris has given me permission to mention his name. I do not see why the others should not. If I could communicate with them I would ask them. They opposed my plan honourably, and have remained, I believe, to this day, honestly opposed to my views as to constitutional agitation, but having pledged my word not to reveal their names, I would be a coward and doing a dishonourable act if I gave their names, and handed them over to ruin without permission.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*The Attorney-General.*) My Lords, I respectfully submit I am entitled to press the question, and to have these names.

(*The President.*) You have, no doubt. You are entitled to ask the question, and I think Mr. Davitt is bound to answer, but we shall see when you get to the end of the examination how far it will be necessary for you to press it further.

87,247. (*The Attorney-General.*) There were certain leading Nationalists?—Yes, leaders of the I.R.B.

87,248. The members of the I.R.B.?—Yes.

87,249. At that time you did not succeed in winning any of them over, except Mr. Harris?—No, I did not succeed either on this occasion or any other subsequent period.

87,250. I wish to give you every opportunity of explaining, but I am not asking you about subsequent periods?—I will answer you as well as I can.

87,251. Kindly answer the question, and add any explanation afterwards. You did not succeed at that time in winning any of them over?—No, I did not.

87,252. Had you studied at that time the movement of Lawlor, I think you call him?—Fenton Lalor. No; I had not read any of his articles.

87,253. (*The President.*) Lalor, is it not?—Yes. No, I had not read of his articles. It was subsequently in 1880 and 1881, I think, I read his article in the "Felon." I think that was the period, two days before he was sent to prison.

87,254. Are you quite sure it was not before that?—I do not think so, but I may not be accurate about it.

87,255. I am referring to a speech afterwards. Just tell me the articles you did read with reference to Fenton Lalor's scheme, or the document which disclosed Fenton Lalor's scheme, which you did subsequently read?—I think I read most of them, Mr. Attorney, in Mr. Bagenal's book, which you have got there, the "Irish in America."

87,256. Did you read the "Felon" newspaper?—I think I have some old copies of that newspaper. I may have read Fenton Lalor's first theories there before reading them in Bagenal's book.

87,257. How many numbers of the "Felon" newspaper were there?—I cannot tell you accurately; perhaps someone better informed in Court may be able to tell you.

87,258. Do you remember whether there were three?—Possibly.

87,259. Well, I must ask you. I put this general question to you now with reference to a later speech I will take in order of date. Did this scheme of Fenton Lalor bear any resemblance to the scheme of the Land League or the National League?—It did. I think Fenton Lalor proposed to make the land question the basis of the national struggle, as I did in my Boston speech in 1878. He was also in favour of land nationalisation, as I am.

87,260. Keep land nationalisation out of the way for a moment. However, perhaps I had better ask you about that now. Is it not true that it was not until 1882 you took up the land nationalisation?—I think in my Boston address in 1878 I outlined it, but very imperfectly.

87,261. You were bitten with Mr. George's scheme of land nationalisation about 1882?—I was what?

87,262. Bitten by it—attracted by it?—No; I was a land nationaliser before ever I met Mr. George or read his book.

87,263. Did you prominently bring forward land nationalisation before 1882?—No, not as distinctly as I did afterwards.

87,264. I understand you to agree with me that Fenton Lalor's scheme in connexion with the land had been to make the land question in Ireland the basis whereby to secure national independence?—I think so.

87,265. Was not that the principle which you yourself adopted?—That was the principle that I have always comprehended and tried to act up to.

87,266. And to make the land question a stepping-stone to national independence?—Yes, if I could; because, as I said yesterday, I believe thoroughly in complete national independence for Ireland. I wish to God I could get it to-morrow.

87,267. Treating the landlords as the English garrison?—Which they are, and always have been.

87,268. What I want to get from you, and what I ask you to answer directly is, have you not repeatedly stated that your view was that the land question lay at the



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

root of a successful revolution, whereby the English power was to be driven out of Ireland?—I do not know whether I put it in that way or not.

87,269. I am not pretending to put your words; I am putting the substance?—I think that gives the substance of it.

87,270. Now, I call your attention to your own speech?—But you may possibly forget the programme of the Land League, Mr. Attorney—the programme of the Land League in 1879 and 1880 on the land question has now become the programme of the Tory party.

87,271. I do not know whether that has anything to do with the question I am putting to you—you shall have an opportunity of saying anything you wish afterwards. I call your attention to the statement in your speech in 1884. I only take this for the purpose of taking your mind and the mind of the Court to what was the condition of your opinions when you started to go to America?—In 1884.

87,272. I call your attention to your speech at Maryborough on the 5th October 1884?—Would you kindly supply me with a copy?

87,273. There was a Mr. R. Lalor, M.P., there——?—Mr. Richard Lalor.

87,274. And Dr. Higgins—and you were said to have said this:—

(*Sir C. Russell.*) He wants to see the speech.

(*The Witness.*) Might I see the paper with the report. I have not got that particular speech.

87,275. (*The Attorney-General.*) I will read this particular passage from the speech:—

“It affords me infinite pleasure to be here to-day to join you in this demonstration of love and loyalty towards your trusted representatives. I have a special love and veneration for the name of Lalor in Irish National politics, because I recall the fact that it was the great 1848 man of that name who has, since the Brehon laws, laid down the principle that the land of Ireland belonged to the Irish Nation and not to any class. As a humble disciple of Fenton Lalor, I am proud to be privileged to stand on the platform and to reiterate his declaration that this soil of his fathers’ land is already the property of the Irish Nation.”

I will not at present ask you about the following passage of that speech about land-grabbing; I am going to draw your attention to that later on?—I think that is a fairly accurate report of what I said, although I have not a distinct recollection of the speech, but I accept what you read as representing my sentiment.

87,276. Now, I want to ask you, with reference to the Lalor scheme which you have admitted to me were very much the same——?—On the Land Question?

87,277. On the Land Question as the scheme which you were advocating. Do you remember this from the “Irish Felon” of July 1848, which I think you quoted?

(*Sir C. Russell.*) Where?

87,278. (*The Attorney-General.*) In one of the speeches. “The practical assertion of the right”——?—Yes, I quoted that in the speech I made in Cork in 1886.

87,279. You quoted it in a speech reported in the “Irish World” of the 29th January 1887?—Yes, that is the reference.

87,280. I wish to read this passage to you?—Is it from the speech in 1887?

87,281. It is from Lalor’s programme in the “Irish Felon”:

“The practical assertion of the right consists in two parts:—1. Abolition of British Government. 2. Formation of a National one.

“1. The mode of action which this country might have recourse to consists in refusal of obedience to usurped authority.

“2. In maintaining and defending such refusal of obedience.

“3. In resisting every attempt to exercise such usurped authority and every proceeding adopted to enforce obedience.

“4. In taking quiet and peaceful possession of all the rights and powers of Government, and in proceeding quietly to exercise them.

“5. In maintaining and defending the exercise of such rights and powers, should it be attacked. Strip, then, and let Ireland strip. Now or never, if indeed it be not yet too late to achieve independence.”

I want you to pay particular attention to this passage—

“There is, I am convinced, but one way alone, and that is, link repeal to some other question, like a railway carriage to the engine—some question strong enough to carry both itself and repeal together. And such a question



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“there is in the land—one ready prepared. Ages have prepared it. An engine ready made—one too that will generate its own steam without cause or care; a self-acting engine if once the fire be kindled. Repeal had always to be dragged. This I speak of will carry itself, as the cannon ball carries itself, down the hill.”

Those are Lalor's words. Do you remember referring to that?—I think I referred to that article, but I cannot recollect quoting those particular words.

87,282. However, it was that part of Lalor's programme that I was referring to. There is a similarity between the two movements?—Yes, there is a general similarity between what he there proposes and what was in my mind.

87,283. About what time was it in 1878 you had the Paris meeting?—I think it would be about November; I am not sure; it is a long time ago; probably the latter part of 1878.

87,284. I think before you went to America, was it not?—Yes,; but I really do not know whether it was before I went to America, or when I came back—possibly before; if it was before, it would be early in 1878; if it was after, it would be some time later.

87,285. That is my point?—No, it was not before I went to America.

87,286. Are you quite clear about it?—No, I am quite clear about it; it was after my return from America.

87,287. By your first visit to America you mean the visit in 1878?—The visit in 1878, after my release from prison.

87,288. With regard to the condition of things in America at that time; at that time a great many of the Fenians had gone to America?—Yes, they had all nearly left England, and returned; the men that I knew before my imprisonment had nearly all gone.

87,289. The national feeling in America at that time developed was practically entirely Fenian?—Well, I would not say that; the feeling was certainly very strong in that direction amongst a class of Irish-Americans; so far as the mass of Irish-Americans were concerned, they were rather indifferent about the Irish question.

87,290. Speaking of those who had in any way either developed their policy or studied it, it would be true to say, would it not, that they had been members of the extreme section up to that time?—It would be that; it would not be true to say that every man had been a Fenian on this side and went to America became a Fenian.

87,291. What I desire to bring out is that there had been no public utterance or development of any open movement in America up to this time?—That I cannot say; I cannot answer that. I am not aware of any.

87,292. The only active policy at that time in America was Fenianism?—I think Mr. O'Connor Power had gone to America earlier than 1878, and had preached Mr. Butt's federalism as a solution of the Irish Question.

87,293. Who did you put yourself in communication with when you first went to America?—The first person I called upon in New York was Mr. James O'Kelly, who was then on the editorial department of the “New York Herald.”

87,294. Is that Mr. J. J. O'Kelly?—Yes.

87,295. The same gentleman?—Yes.

87,296. The Member of Parliament?—Yes, the Member of Parliament. I called upon him because I learnt that he was attached to the “Herald.”

87,297. Did you not know him before?—I knew him; I knew him before my imprisonment.

87,298. Then I must just ask you this: had Mr. O'Kelly been a Fenian at the same time as you had been?—I will, with the greatest respect to you, Mr. Attorney, refer you to Mr. O'Kelly himself.

87,299. Mr. O'Kelly is one of the Members of Parliament against whom certain things are alleged?—I would prefer you would ask Mr. O'Kelly; I presume he will be a witness here; I have had no conversation with Mr. O'Kelly.

87,300. It is a question of fact; do you allege that you did not know Mr. O'Kelly as a Fenian before your imprisonment?—I can only say I knew him before my imprisonment, Mr. Attorney.

87,301. Had not Mr. O'Kelly, before your imprisonment, to your own knowledge, been engaged in the distribution of arms?—I cannot answer that question.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,302. Had not Mr. O'Kelly acted with you in the distribution of arms?—I cannot answer that question without express permission from Mr. O'Kelly, and I have not asked for it.

87,303. Will you say that Mr. O'Kelly had not acted before your imprisonment with you in the distribution of arms?—I must respectfully ask you to put the question to Mr. O'Kelly.

87,304. I am pointing out to you, and giving you the opportunity of negating the position, Mr. Davitt; you can give that evidence; will you say Mr. O'Kelly had not?—I will not.

87,305. Now did you know he was on the "New York Herald" at the time?—Yes.

87,306. Had you communications with him?—No, I could not communicate with with anyone for seven years previously.

87,307. I am speaking between your coming out in December, and your going to America: had you any communication with Mr. O'Kelly between that time?—No.

87,308. Did you communicate before you went out with Dr. William Carroll?—I cannot recollect whether I did or not; I do not think I did.

87,309. Let me call your attention to this, the "Irish World," 24th August 1878; did you not put yourself at the disposal of Dr. William Carroll for lecturing purposes?—After my arrival in America?

87,310. Yes?—No, I did not. I will tell you what occurred if you will allow me.

87,311. You can answer my question?—I have answered. I said I did not put myself at the disposal, as well as I can recollect; but if you will allow me to explain to you, I will tell you what occurred.

87,312. (*Sir C. Russell.*) Tell us what occurred?—I went from New York to Philadelphia, where my mother resided, and I was introduced to Dr. William Carroll a few days afterwards. About a week subsequent to that, he invited me to deliver a lecture in Philadelphia, and I delivered the lecture.

87,313. (*The Attorney-General.*) Is that all you say Dr. William Carroll had to do with your lecturing scheme in America?—That was my answer to your first question. Subsequently I delivered about 20 lectures, and in the organization of some of them in Pennsylvania I believe Dr. Carroll did assist.

87,314. When did you leave America?—I think it was in August 1878.

87,315. What day in August?—I cannot remember.

87,316. As near as you can recollect, your first visit, what ship did you go by: that will help us to give you the date?—I think that was the "Baltic."

87,317. Now, I call your attention to the advertisement in the "Irish World" of the 24th August 1878; did not you see this:—

"Mr. Davitt will remain but a short time in our midst, and parties desirous of securing his services as a lecturer will address—

"Dr. Carroll,

"617, South 16th Street,

"Philadelphia."?

—It is possible I have seen it.

87,318. Had you any communication with Dr. Carroll before you went out?—Not one word. Dr. Carroll lived in Philadelphia, where my mother resided.

87,319. Did you know him?—Never before I met him there.

87,320. Did you ascertain whether or not Dr. Carroll was an advanced Nationalist?—He was an advanced Nationalist.

87,321. Did you know at the time that he was an advanced Nationalist?—I did.

87,322. Had he been a Fenian?—I do not think he had. I think the Fenian movement had ceased to exist in America when Dr. Carroll began to take any interest in Irish-American politics.

87,323. Had he been a trustee of the Skirmishing Fund?—He had.

87,324. It was, I think, at that time that the change of name took place, or very shortly after?—Yes, Dr. Carroll and Mr. Mahone, of Rochester, and I think John Devoy and others took the Skirmishing Fund from O'Donovan Rossa, who had started it.

87,325. Did you not know one way or the other whether Dr. William Carroll had been a member of the I. R. B. in America?—I never heard that the I. R. B. existed in America.

87,326. Or the body called the Clan-na-Gael?—I can say nothing about Dr. Carroll's connexion with the Clan-na-Gael without his permission.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,327. Will you say that Dr. William Carroll was to the best of your belief?—He was an advanced Nationalist, and held the opinions of an advanced Nationalist.

87,328. Will you say you do not believe that Dr. William Carroll was not a member of the Clan-na-Gael?—I will not.

87,329. Dr. William Carroll had, as you told me, been trustee of the Skirmishing Fund?—Not of the Skirmishing, of the National League Fund.

87,330. Now pardon me, I am speaking of the Skirmishing Fund at that time?—I think not; I have no knowledge except what I read in the papers at the time.

87,331. I am speaking of the time in which it was commenced in 1877?—Well, I was in prison in 1877, and I know nothing about it.

87,332. After you came out; I am not referring to while you were in prison, but after you came out, do you not know from reading the newspapers at the time that it was called the Skirmishing Fund up to a certain date, the middle of 1879?—I do not think so. I think the name was changed in 1878 from the Skirmishing Fund to the National League Fund. Of course, I may be incorrect, but I am speaking from recollection.

87,333. Had you read in the newspapers before you went to America of the objects of the Skirmishing Fund?—I did not. There was nothing in the papers on this side about it.

87,334. Did you know nothing about the Skirmishing Fund?—I was in prison for seven years before I went to America.

87,335. You said you knew Dr. William Carroll was trustee?—I learnt that when I went to America, a few months before.

87,336. What did you learn about the Skirmishing Fund?—There was a report in the paper, I think, started by O'Donovan Rossa—that the objects were to assist Irishmen, the object was to strike England anywhere where she could be hurt—the object of this Skirmishing Fund was——

87,337. To lay the big cities in ashes?—I do not know. That may have been the object of O'Donovan Rossa.

87,338. Did you never see that?—I may have seen it in connexion with O'Donovan Rossa.

87,339. Did you never see that?—Yes, O'Donovan Rossa may have wrote it.

87,340. Did it come to your knowledge in August 1878, that the other trustees of the Skirmishing Fund were John Breslin?—Yes.

87,341. Thomas Clark Luby?—Yes.

87,342. John Devoy?—Yes.

87,343. Thomas Francis Burke?—Yes.

87,344. Jeremiah O'Donovan Rossa?—Yes.

87,345. James Reynolds?—Yes.

87,346. And Dr. William Carroll?—Yes.

87,347. From whom did you learn that?—From the papers—from the “Irish World,” and I think the “Irish American,” and a few other papers, which occasionally published cards or circulars from the trustees of the Skirmishing Fund and National League Fund.

87,348. O'Donovan Rossa's real name is O'Donovan?—Jeremiah O'Donovan.

87,349. Is it O'Donovan or Donovan?—O'Donovan.

87,350. He is an Irishman?—Yes, he is.

87,351. And you knew Breslin?—I did.

87,352. Before you went to America?—No; I heard of him as a man who rescued James Stephens from the Richmond prison in Dublin; but I did not know him personally.

87,353. Did you know Breslin as a man who was mixed up with the extreme section?—I heard of him as the man who rescued the military Fenian prisoners from Australia in the “Catalapa.”

87,354. You would agree with me he would represent the physical force section?—Yes.

87,355. Thomas Clark Luby; did you know him?—Yes; Thomas Clarke Luby. I met him for the first time on my visit to America, the first time, not before.

87,356. John Clarke; did you know him?—No.

87,357. Did you know what Luby's insurrection was?—Yes; he was tried in 1865 or 1866 in Dublin for treason felony, and sentenced to 20 years' penal servitude.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,358. You knew his history, independently of any communication made to you in America?—Yes.

87,359. John Devoy; did you know him?—I knew him. I never met him.

87,360. What did you know of his history?—That he was tried in Dublin, and sentenced to 10 years' penal servitude in 1867.

87,361. Thomas Francis Burke?—He was sentenced to be hanged, drawn, and quartered, but was amnestied, I think, three years afterwards.

87,362. Jeremiah O'Donovan or J. O'Donovan Rossa?—He was sentenced to penal servitude for life, and amnestied in 1870.

87,363. Dr. Carroll you have mentioned; did you know anything about him?—He was a distinguished medical officer in the Federal service during the Civil War, and subsequently became a most respected citizen of Philadelphia, and he is now, I believe.

87,364. Thomas Reynolds?—Yes, I met Thomas Reynolds for the first time in 1878.

87,365. Did you know of his antecedents?—No.

87,366. Is there one of those names I have mentioned to you—you know they are the trustees of the Skirmishing Fund—that you will undertake to say you believe not to have been a member of the Clan-na-Gael?—I cannot answer the question if you put it that way. I will say that these men were among the extreme Nationalists in America. Just now there is a hue and cry against the Clan-na-Gael in America, I believe, for party and political reasons, and I must be careful what I say about individuals.

87,367. But I am speaking of the Clan-na-Gael, as you knew of it at the time of your visit. You told me you attended meetings up to 1880?—Subsequently.

87,368. Up to 1880, I said?—Yes.

87,369. My question is, was there one of these men of whom you will say to the best of your belief, he was not a member of the Clan-na-Gael?—I cannot answer that question. I again tell you they were among the extreme section in America, and they were trustees of the Skirmishing Fund.

87,370. Now, about this time, if you please, was a Kelly fund got up?—I think there were two Kelly funds. There was a fund got up for Robert Kelly, a man who had been imprisoned for an attack upon Talbot; and there was an Edward Kelly subsequently released, for whom a small testimonial was got up.

87,371. I am speaking of Robert Kelly. You say he was imprisoned for an attack upon Talbot. He had shot Talbot?—I do not know whether he was sentenced for that; I think not. I think it was for firing at a policeman.

87,372. Was that policeman Head Constable Talbot?—Well, I am not very accurate. It occurred while I was in prison. I have not read the history of it. I am only speaking now from vague recollection of what I have heard said about it since I came out of prison. It was in connexion with an attempted assassination of Talbot.

87,373. Do you mean to say it did not come to your knowledge that Kelly was the man who had shot him?—Oh, certainly. That was stated in the appeal, I think, which was made for his wife and children.

87,374. I am speaking of him, if you please, not his wife?—I have no recollection of an appeal for himself. I do recollect a fund was got up for his wife and children. I think I subscribed to it.

87,375. Was there in 1878, either just before or at the time of your being in America, this fund got up for Robert Kelly?—Very likely.

87,376. Did you subscribe to that?—Possibly. If you will refer me to the account in the paper I will answer you more directly.

87,377. When you arrived in New York were you received by a committee of gentlemen?—When?

87,378. In 1878?—No, I was received by no one. There was only one man in New York that knew me.

87,379. Who was that?—Mr. O'Kelly.

87,380. J. J. O'Kelly. Then, shortly after your arrival in New York, was there a reception got up for you?—No. Well, shortly after my arrival in America, I attended, I think, a picnic up the Hudson, which was given by the Irish Volunteers. Perhaps that is what you refer to?

87,381. I am referring to an occasion when an address was presented to you by a committee of Irish Nationalists?—Well, I have received so many addresses I have



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

not that particular one in my memory. Perhaps if you will read it out I will help you.

87,382. In the first place, I will call your attention to the names among those who presented the address?—What was the occasion, please?

87,383. It is reported in the "Irish World" of the 14th September 1878?—I would thank you to let me look at the full report. A copy of what you are reading will do.

87,384. It is not a full copy. It is only certain particular names which are given me. You can take that. It was an address to you and J. J. O'Kelly, I think?—No, I do not think I ever received an address.

87,385. An address to you?—It does not give the occasion here. I do not know what the occasion was, whether it was a lecture, or picnic, or demonstration.

87,386. I call your attention to the committee; Chairman, Lawrence G. Goulding; Secretary, J. J. Rossiter. Do you know him?—Yes, I remember these names.

87,387. Captain Neil J. Breslin?—Yes.

87,388. J. J. O'Kelly?—Yes.

87,389. J. J. Breslin?—Yes.

87,390. James Kavanagh?—Colonel James Kavanagh, yes. He is a particular friend of mine.

87,391. Thomas Clarke Luby?—Yes.

87,392. John King?—Yes.

87,393. John Devoy?—Yes.

87,394. Thomas F. Bourke?—Yes.

87,395. Speaking of those men, are they all, so far as you recognise their names, members of the extreme Nationalists?—Well, I do not know about some of them—Goulding and King and Rossiter. I know nothing about them, but I should think Captain Neil Breslin, and Colonel Kavanagh, and Mr. Luby, and Thomas F. Bourke would be among the extreme Nationalists.

87,396. Now, I call your attention to a passage in your reply which I will read to you?—Please tell me what the occasion was. I do not remember.

87,397. The occasion referred to in that extract?—There is no occasion referred to in that extract.

87,398. I will look and see. It seems to be an excursion of the Irish volunteers in New York?—Yes, I remember that very well.

87,399. On that occasion, was an address presented to you?—There was.

87,400. I will read the address to you in a moment. I think I ought. It is at page 5. It is not on that slip I have given you.

"SIR,

"It is with feelings of the deepest sympathy and respect we welcome you to our adopted country in the name and on behalf of the great body of Irish Nationalists.

"Through the long years of your imprisonment in English dungeons we watched with sympathetic pride your noble fortitude under the trials and provocations to which Irish political prisoners are subjected.

"We know your unwavering faith in the 'sacred cause of human freedom was never better evidenced than when you stood behind prison bars; and we honor in you that type of Irish Nationalist never absent from our history, which in defeat has known how to win the world's sympathy for an oppressed people.

"We know your services to Ireland were rendered in most trying times, and when all hope seemed lost, and the shadow of the Manchester gallows lay like a pall over our cause you were one of the men who buttressed the shaken edifice of Nationality.

"For your labours, your devotion, your sacrifices we honor you, and with all our hearts we offer you the grateful homage of our esteem, not alone as Irish Nationalists but as men devoted to the cause of human freedom in every land and among every people.

"The service you have rendered the cause of the unfortunate in bringing to light the horrors of the English convict system, has earned for you words



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ of praise, even from your enemies, and for this service to the cause of humanity  
 “ we heartily thank you.

“ During your short visit to our adopted land we offer you fraternal  
 “ hospitality, and sincerely hope that your visit may strengthen your convictions  
 “ in the sacred cause of liberty and republican government.”

And the names are given which I have just given you. Thomas Clarke Luby read the address, and the reply made by Mr. Davitt will be found on the sixth page of the “Irish World.” I pause for a moment now to ask you to follow me in the reply to that address. Did you say this?

“ Twelve or fourteen years ago my boyish heart thrilled with admiration for  
 “ the men who confronted Ireland’s foe, and taught from the dock and the prison  
 “ the undying principles of Irish Nationality. I became an humble disciple of  
 “ of the same and an enemy to the enemies of my country. In my riper years  
 “ I have adhered to the principles I then imbibed, and when their profession  
 “ entailed a like penalty to that which Dr. Luby, Mr. Devoy, Gen. Bourke,  
 “ and many others had to bear, I trust I endured it in a like spirit to theirs, and  
 “ left behind me a prison record of which my countrymen need not feel ashamed.  
 “ You are already aware that my stay in America is to be of short duration, and,  
 “ as a public expression of my opinions as a Nationalist would be injudicious,  
 “ I therefore refrain from any allusion to them beyond saying that my imprison-  
 “ ment has not changed my political convictions in the least, nor lessened my  
 “ faith in the ultimate triumph of the cause in which they are enlisted.

“ I am under a sincere obligation to the officers and men of the Irish volun-  
 “ teers for the compliment conveyed in a special invitation to their annual  
 “ excursion, and thus enjoy at once the gratification which the society of so  
 “ many of Ireland’s exiles afford me, and the, to me, highly interesting spectacle  
 “ of beholding for the first time in my life companies of Irish soldiers armed  
 “ and uniformed in the national cause. Face to face with the enemy of our  
 “ country since my birth, I feel proud to-day while gazing upon manly forms  
 “ and resolute arms pledged to the service of Ireland alone.”

I should like to ask you if there is something else to qualify what I have read to you?—No, I adopt every word of it.

87,401. Does that appear to you to be a speech which would appeal to constitutional action?—Well, no, I do not think that speech would, but I have always acted, Mr. Attorney, on the belief that the most unconstitutional thing in Ireland was its government.

87,402. Why, Mr. Davitt, was the public expression of your opinions as a Nationalist injudicious?—Because I was then a ticket-of-leave man, and had I made what you would call a violent speech in America, I would be rammed into prison again, as I was in Ireland.

87,403. That was the reason?—Yes, that was the reason referred to there. Moreover I have always made it a practice not to speak in America what I was afraid to speak on this side of the Atlantic—at least I always preferred speaking out here instead of going to America and sheltering myself under the Stars and Stripes.

87,404. I particularly wish to understand this. Your statement is that it was imprudent at that time for you to express your feelings as a Nationalist?—Because I was a ticket-of-leave man.

87,405. And you go on to say they were perfectly well known, and your opinions had not changed at all?—Yes, they were perfectly well known by the men who presented that address to me.

87,406. I should like to ask you this, please. Just about that time were O’Meagher, Condon, and Meledy released?—Yes, they were released as few months after I was.

87,407. They were the people who had been connected with the Manchester business, I think?—Condon was; Meledy was not there at all.

87,408. They were tried for it at any rate?—Yes, Meledy was tried for being there, but he was in London.

87,409. Condon was tried for being there, and was convicted and sentenced to death?—He was—sentenced to be executed.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,410. And afterwards reprieved?—Yes.

87,411. Those two men had been the men who had undergone the penalty of the law in connexion with the Manchester business?—Yes.

87,412. Did they come to America about that time?—Yes, their families lived in America. They arrived about, I think, three or four months after I landed there.

87,413. Did you join in the testimonial to them?—I was present at the reception committee meeting in New York. I was not aware that a testimonial was got up. Possibly there was; and I would be very glad to know that I subscribed to it.

87,414. Do you remember the terms of the address to Condon and Meledy?—Indeed I do not.

87,415. I think I can put my hand upon it at the present time. I call your attention to this with reference to what I put to you before about expressing approval of the action in the attack on the Manchester prison van. The meeting at which Condon and Meledy attended, after arriving at New York, was on the 19th October 1878, was it not?—I have no recollection, but I should think about that time.

87,416. Were you present with O'Donovan Rossa, John Devoy, Major James Haggerty, Captain John McClure, J. J. Breslin, Colonel Burke, Thomas Bourke, Lawrence Goulding, and Thomas Clarke Luby?—And about 150 others.

87,417. I call your attention to this address, presented to them in your presence and read to them:—

“ On behalf of the Irish Nationalists of New York, we congratulate you on  
 “ your release from British prisons, and offer you a fraternal welcome to the  
 “ United States. You were tried and convicted in a British court for participa-  
 “ tion in a movement for the liberation of our native land; a movement in  
 “ which we are proud to have borne a part, and which to-day is possessed of a  
 “ more vigorous vitality than when the three confessors of our political faith gave  
 “ up their lives for Ireland on the Manchester scaffold.”

87,418. Do you remember that address?—I do not remember it. I remember the address being presented. I cannot recollect the sentences. Doubtless that is correct.

87,419. I am reading from the “ Nation,” Mr. Sullivan’s paper?—I have never read it in any paper since.

87,420. I am reading from the “ Nation,” of 19th October 1878, quoting from the “ Boston Pilot.” Was the “ Boston Pilot ” a Nationalist paper?—It was.

87,421. I need scarcely remind you, with reference to the questions I put this morning, that that conveys no condemnation of those men?—Oh, no.

87,422. Now, how soon did you consult any prominent Nationalist in America upon the question of your schemes?—Everywhere I lectured. My first lecture was in Philadelphia.

87,423. I am not upon lectures for the moment?—But it was in connexion with lectures that I consulted representative men as I met them in my tour through the country.

87,424. It may have been in connexion with the lectures: but you do not quite see the point of the question I put to you. How soon after your arrival did you consult any prominent Nationalist in reference to your schemes?—Possibly immediately; wherever I met them.

87,425. Of those names I have mentioned to you of those trustees of the Skirmishing Fund you became acquainted with, who may I take it were among those you consulted?—Dr. Carroll, John Devoy, Patrick Mahon of Rochester, and possibly Mr. Reynolds. I have no particular recollection about it.

87,426. Breslin?—Possibly.

87,427. Did they all take it up at once?—Oh, indeed they did not.

87,428. It is a fact, is it not, that some of them were opposed to it at first, were they not?—Oh, yes, and a large number remained opposed to it to the end.

87,429. So you have said more than once. I shall have to test that presently. But what I wanted to get from you was that there was opposition on the part of a great many of them at that time?—Oh, yes, and at subsequent periods.

87,430. Was their opposition on the ground that they thought that it would be a movement against national independence?—Yes, principally. They believed that if



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

the tenant farmers of Ireland were made peasant proprietors they might become lukewarm in the national cause.

87,431. Did not you impress upon them one and all the doctrine which you had either thought out or imbibed from your previous study, that, if you could link the national question to the land question, your land movement would be a step towards independence, and not a step in the other direction?—I did. I believe that now.

87,432. Up to that time had not the farming classes kept aloof from Fenianism?—Well, not altogether.

87,433. Very largely?—I should say the sons of farmers made up the bulk of the Fenian movement in Ireland.

87,434. Had not a very large number of the farming class in Ireland declined to have anything to do with Fenianism?—Certainly.

87,435. Had the Fenian body been a poor body up to that time?—Well, it was not a poor body in America in 1865.

87,436. In Ireland?—Oh, it was always poor in Ireland.

87,437. May I not take it there were two things that you had in your mind to combat or get over; the one, that the Fenian schemes had not enlisted the national sentiment, as you call it; and the other, that it had been such a very poor body?—No; the Fenian body had enlisted the national sentiment, but the vast majority of the Irish would have nothing to do with secret societies.

87,438. The vast majority of the Irish would have nothing to do with Fenianism at all?—No, nor with any secret society.

87,439. And it had also been a very poor body?—Yes, it was.

87,440. Now, I put it to you, was not the main objection raised by the Nationalists in America at that time that your land agitation would be, they thought, a step against, and away from, national independence?—That was one objection; and the other was that a movement of that kind would fall into the hands of politicians and their movement would become demoralised.

87,441. Did you not combat that repeatedly?—Yes.

87,442. By pointing out to these Nationalists that the landlords were the English garrison?—Certainly; but they knew that as well as I did.

87,443. Whether they knew it or not, I am entitled to an answer?—Yes, I took that line, yes.

87,444. Did you not in arguing express to them that you would be aiding a resolution akin to the Fenian revolution by attacking the landlord garrison?—I do not think I put it in that way.

87,445. In substance?—I explained both publicly and privately that if the tenant farmer of Ireland was made independent in his holding that he would just be as good a Nationalist as ever he was. I believe that now, notwithstanding the Tory programme to make the tenant farmer in Ireland the owner of his holding.

87,446. Did not some of them begin to take your view after not very long consideration?—Oh, possibly many of them may have had the same opinions as myself before I ever expressed them.

87,447. I was not asking about their previous views. I wish particularly for an answer to the question?—I wish to give you every information in my power.

87,448. I do not want to make any comment, nor am I. I am asking a question. Speaking from the end of August to the end of September, had not the effect of your interviews with Irish Nationalists been that several of them came to your views?—I think I converted a large number of them in America at that time and subsequently.

87,449. Among others did you not convert John Devoy?—John Devoy's contention is that he converted me.

87,450. Whether it be a contention or not, did not John Devoy and you come to be of one mind with reference to this movement?—I do not think that. I do not think that is putting it accurately. I think I have said somewhere that I found John Devoy and some others holding similar views to mine upon the land question.

87,451. I call your attention to a speech already in evidence (page 3,372) of 1880. speaking of this time of 1878 :

“Mr. John Devoy followed in his usually vigorous style, giving his reasons  
“ as a Separatist for joining and advocating the cause of the Land League.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ Mr. Devoy’s remarks could not fail to carry conviction to his hearers, that the  
 “ fall of landlordism would be the first substantial breach in the ramparts of  
 “ British rule in Ireland, and that the triumph of the Land League would place  
 “ the Irish people in a better position than they even occupied before the working  
 “ out of their political and social emancipation.”

Now, observe, “ the first substantial breach in the ramparts of British rule in Ireland.”  
 Now, I ask you very shortly after you came to America (whether it was you converted  
 him, or Devoy converted you, is a matter which is perfectly indifferent to me), did you  
 not both then take the same views as to the effect of the land agitation?—There may  
 have been a similarity in our views; but I do not think you put it very accurately in  
 that way, Mr. Attorney. John Devoy’s boast is that he converted me. I am not  
 going to claim any credit for having converted him. I do not know whether I did  
 or not.

87,452. I am not upon the question of conversion. Did not John Devoy become an  
 advocate with you?—He became a Land Leaguer, certainly.

87,453. Did he not become an advocate with you in endeavouring to persuade other  
 Nationalists to join in this movement?—Certainly.

87,454. On the ground that it would be a step towards the overthrow of the English  
 dominion?—Certainly. His letters read here show that.

87,455. Now, I call your attention, if you please, to a meeting on the 24th September,  
 after you had had about a month’s discussion?—What are you quoting from,  
 Mr. Attorney?

87,456. I am quoting from, I think, the “ New York Herald”; but I will put this  
 to you?—I would like to see the whole of the speech, if you will kindly let me  
 have it.

87,457. I will read the report as it is given to me. I must read it?—What is it a  
 report of?

87,458. It is a report of a meeting at which resolutions were passed, a meeting held  
 at the Cooper’s Institute, on the occasion of your first lecture—not your first lecture?  
 —I think it was my first lecture in New York.

87,459. Your first lecture in New York, it may have been, on the 24th September  
 1878. I will read to you what I have got. It is in reference to the resolutions. I  
 call your attention to the resolution proposed by Devoy in your presence after your  
 address on the 24th September 1878:—

“ That we deem the present a fitting opportunity to proclaim our conviction  
 “ of Ireland’s right to an independent National existence. That as Ireland has  
 “ never forfeited her right to independence, and as no action on the part of  
 “ England has given any justification for the acceptance of the union we thereby  
 “ protest against all attempts to compromise and renew our resolve to work for  
 “ the complete overthrow of British domination ” ?

— Possibly that resolution was passed.

87,460. You have no doubt that is correct?—I have no doubt whatever. You read  
 it from the “ New York Herald ” ?

87,461. I read it from the “ New York Herald ” ?—I have no doubt whatever it is  
 right.

87,462. I call your attention that this is a resolution renewing the resolve to work  
 for the complete overthrow of British domination?—Yes.

87,463. Do you represent that that would be understood by the extreme section in  
 America as being simply advocacy of constitutional action?—Oh no, not at all.

87,464. It would be understood as a means of carrying out the previous Fenian  
 programme?—It would be understood as a declaration in favour of complete national  
 independence for Ireland.

87,465. Listen to the next resolution, which was unanimously carried, following  
 immediately afterwards—

“ That the landlord system forced on the Irish people by English legislation  
 “ is a disgrace to humanity and the civilization of the present century. It is the  
 “ direct cause of the expatriation of millions of the Irish race, and of the miser-  
 “ able condition of the Irish peasantry. That, as the land of Ireland belongs to  
 “ the people of Ireland, the abolition of the foreign landlord system, and the  
 “ substitution of one by which the tiller of the soil will be fixed permanently upon



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ it, and holding directly of the state is the only true solution of the Irish land question, a solution which an Irish republic alone can effect.”

Do you remember that resolution?—Yes, doubtless that resolution was proposed by Mr. Devoy.

87,466. And voted upon by you?—Oh, yes; I was not at all opposed to it.

87,467. You did not in any way dissent from it?—I am a republican on principle.

87,468. Of course, I quite understand what you say; but what I want to get distinctly and clearly from you is this; that in America you, when you were lecturing and speaking, were party to these resolutions?—If I did not dissent (and I do not think I did dissent), I was a party to that resolution.

87,469. Now, I put it to you, Mr. Davitt, fairly, would not that resolution appeal to the extreme section in America as advocating a step whereby the dominion of England would be overthrown?—It would, undoubtedly.

87,470. And would work in the direction for which the extreme section were working?—Certainly.

87,471. Did you know whether, at that time, either Condon or Meledy (the two men I have mentioned in connexion with the other meeting you attended) joined the Clan-na-Gael?—I do not know.

88,472. You have no knowledge of it?—I have not; no knowledge whatever.

87,473. Do you remember the Brooklyn meeting?—I remember delivering a lecture in Brooklyn, if that is what you refer to.

87,474. I call your particular attention to Mr. Devoy's speech; it is already in evidence, at page 2772.

(*Sir C. Russell.*) What date?

(*The Attorney-General.*) The 26th October 1878, from the “Irish World.”

87,474a. I think the actual date of the meeting was the 16th, but we have already got this in evidence; I want to call your attention to this passage.

(*Sir C. Russell.*) Was he there?

(*The Attorney-General.*) Oh, yes.

87,475. Sir Charles asks me if you were there?—Certainly, I delivered a lecture on that occasion.

87,476. And Mr. Devoy's comment is upon what you said?—Upon what I said. My speech was not fully reported; there was only about one-fourth of it.

87,477. Mr. Devoy says this at page 2772?—I may be allowed to say that the meeting was presided over by Mr. Robinson, member of Congress.

87,478. Very well; John Devoy, of course, was there; Breslin was there, was he not—on the platform, I mean?—For anything I know to the contrary, he was.

87,479. Patrick Meledy was there?—Very likely.

87,480. J. D. Carroll?—There were about 2,000 people there.

87,481. Of course, if you spoke there, large numbers would come to hear you; I am speaking of the platform?—I cannot recollect; doubtless if their names are there, they were present.

87,482. Devoy, Breslin, Meledy, and J. D. Carroll?—I do not remember any of them being present, but probably they were.

87,483. I will read this passage to you from page 2772:—

“ Now, there is one clause in the platform proposed by Mr. Davitt that I would like to see further elaborated and made more clear and distinct. I mean the clause about the Land question. The Land question is the question of questions in Ireland, and the one upon which the National party must speak out in the plainest language. I am, of course, in favour of stopping evictions and encouraging measures looking towards the establishment of a peasant proprietary, but I would go further than that. I think the only true solution of the Land question is the abolition of landlordism. (Applause, and cries of ‘That's it.’) The landlord system is the greatest curse inflicted by England on Ireland, and Ireland will never be prosperous or happy until it is rooted out. The land of Ireland belongs to the people of Ireland, and to them alone, and we must not be afraid to say so. . . . Now, I believe in Irish independence, but I don't believe it would be worth while to free Ireland if that foreign landlord system were to be left standing. (Cheers.) I am in



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“favour of sweeping away every vestige of the English connexion, and this  
 “accursed landlord system above and before all. (Tremendous applause.)  
 “But while I think it is a right to proclaim this, and that the National party  
 “should proclaim that nothing less than this would satisfy it, I know it is a  
 “solution that cannot be reached in a day, and therefore I think we should, in  
 “the meantime, accept all measures looking to the prevention of arbitrary  
 “eviction, and the creation of a peasant proprietary as a step in the right  
 “direction.”

What I want to put to you is this; you were present when that speech was delivered?  
 —Yes.

87,484. Of course, the driving away of the foreign garrison, or the foreign landlord system, as a step to independence, would commend itself to Nationalists?—Oh, yes, certainly.

87,485. Was it not by that line of argument and advocacy that you and Devoy combined endeavoured to persuade whatever dissentient Nationalists there were to join?—I cannot speak for Devoy. I can speak for myself. I always explained in America that I thought the making of the tenant farmers in Ireland independent would not interfere with the cause of National independence.

87,486. Did you not almost immediately after, and contemporaneously with that meeting—I believe the same day—send over the resolutions which are referred to at page 2770?—Did I send them over?

87,487. I will ask who did send them; were they sent over?—Yes.

87,488. Did you know of their being sent over?—Not until after they were sent.

87,489. Did you know of their being proposed?—I did not.

87,490. Had you had anything to do with it?—No, I was at St. Louis, 1,000 miles away.

87,491. Then these resolutions were proposed by some persons quite independently of you?—Quite independently; it was all the work of John Devoy.

87,492. (*The Attorney-General.*) I would ask your Lordships just to take a note of the actual resolutions; I am not going to read them again: they are at page 2770. I call your attention to the words of the telegram to Mr. Parnell:—

“The Nationalists here will support you on the following conditions:—First.

“Abandonment of the federal demand and substitution of a general declaration

“in favour of self-government.”

The report in the paper is, “This dispatch was signed by Mr. William Carroll, “J. J. Breslin, F. F. Millan, John Devoy, and Patrick Mahon of Rochester.” Did it come to your knowledge afterwards that those persons had signed it?—I read of it in the press at St. Louis about a week after the despatch was sent.

87,493. I call your attention to the five names appended to the resolutions dictating the terms upon which the Nationalists in America would support Mr. Parnell?—Yes.

87,494. Are every one of those five leading extreme Nationalists?—Yes, you can put it that way; they are representatives of the extreme Nationalist sentiment.

87,495. Mr. William Carroll, J. J. Breslin, F. F. Millan—was that General Millan?—I think so.

87,496. Did you know him?—I met him in New York.

87,497. Was he an extreme Nationalist?—He was.

87,498. He had been a general in the Army?—I think in Mexico.

87,499. Was he a member of the Clan-na-Gael?—I do not know; I cannot answer that question.

87,500. Do you believe him to have been?—I would rather not express my belief; he is dead now.

87,501. Then it cannot hurt him?—Well, I do not know; it might hurt his relatives.

87,502. Do you mean to suggest, Mr. Davitt, that you object to answering this question because it would hurt his relatives?—It might give them pain.

87,503. Do you believe he was not a member of the Clan-na-Gael?—I would rather not answer the question.

87,504. Patrick Mahon of Rochester—the six names of those who signed you have already answered me were all extreme Nationalists?—All extremists.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,505. Had those six persons, other than John Devoy, been persons who at first had been disposed to question the policy you were discussing?—I do not think so.

87,506. Not any of them?—I do not think so.

87,507. Are you quite sure about that?—I think I am.

87,508. Are you quite sure that some of those six were not persons who at first thought that your land movement might not be favourable?—Possibly Breslin, who is now dead: he might be one who objected; I do not think that would apply to the others.

87,509. It came to your knowledge afterwards, did it not, that these resolutions rather frightened Mr. Parnell at first?—He never received them.

87,510. Do you represent that you know that?—Certainly.

87,511. Who did receive them?—They were sent to the late Charles J. Kickham.

87,512. Did he receive them?—He did.

87,513. And he did not send them on to Mr. Parnell?—No.

87,514. That was a communication from him?—It was told to me on my return from America; he disbelieved in the policy, and he would not be any party to sending them to Mr. Parnell, or to anyone else.

87,515. Were those resolutions subsequently discussed between you and Mr. Parnell?—I do not remember.

87,516. Think?—I do not remember.

87,517. Were not those resolutions discussed in the earlier part of 1879?—I do not think so; I certainly have no recollection, nor has Mr. Parnell.

87,518. You cannot speak for Mr. Parnell?—Well, but I have asked him.

87,519. Will you undertake to say that the resolutions were not discussed?—I will; because I cannot remember any discussion whatever upon the point of these resolutions between him and me.

87,520. Was the programme discussed?—Subsequently in 1879 I discussed with Mr. Parnell the advisability of starting a land agitation in Ireland, but we certainly on that occasion did not refer to these resolutions.

87,521. Was not one of the points discussed between you and Mr. Parnell whether a policy which embodied anything approaching to Irish independence would not scare away what were described as “timid land reformers”?—No, I do not think so; I think Mr. Parnell’s objection was to a large organisation that would ultimately escape the control of those who had initiated it.

87,522. Kindly apply your mind to my question: aye or no, was not the question of a policy, which embodied Irish independence, discussed as being likely to scare away some of the supporters?—Certainly not.

87,523. Never?—Not to my recollection.

87,524. Was it discussed at all?—I do not recollect it; I do not recollect the question of national independence being discussed between Mr. Parnell and myself at any time until 1886, when Mr. Gladstone’s Bill was brought in.

87,525. And at that time was Mr. Parnell in favour of a National independence or not?—What do you mean by National independence?

87,526. I mean what you have been demonstrating—complete separation?—Mr. Parnell never has been in favour of complete separation. We have always differed upon that point, and differ now; although if Mr. Parnell got his measure of National independence, I would give a loyal support to it.

87,527. You met Ford as you have told us?—On the occasion of that Brooklyn lecture for the first time.

87,528. During your visit to America—I was going to conclude my question, but I do not mind taking your form?—I want to give you accurate information if I can.

87,529. Had you several interviews with him?—I had one interview with him on the eve of my departure to Ireland, in the presence of Henry George, whom I met there for the first time.

87,530. Had you several interviews with him?—No, only the one to which I refer; I was simply introduced to him on the occasion of the Brooklyn meeting.

87,531. Did not Ford at first abuse your policy on the ground that it was not sufficiently what I may call “strong” enough for him?—I have no recollection; he may have.

87,532. Did not he express at first the opinion similar to those the other extremists had expressed, that your land policy would be unfavourable to the independence



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

of Ireland?—No, he had preached a land policy similar to what you call my policy years before I was released from prison. I have extracts in 1876 here from the “Irish World” which shows that he was in favour of buying out the Irish landlords at a cost of three hundred millions, a generosity I would not be guilty of.

87,533. I will read to you from the “Land of Eire”?—What is that?

87,534. Mr. Devoy's book?—The “Land of Eire.”

87,535. Do you mean to say, Mr. Davitt, you did not know what I was referring to?—I do not want to quibble.

87,536. The “Land of Eire,” is that the way you wish it pronounced?—If you like.

87,537. The “Land of Eire” was the book I was referring to.

“He (Davitt) had been introduced to Patrick Ford, of the ‘Irish World,’ a few days after his arrival, and found that gentleman perfectly ready for an agitation of the most extreme kind on the land question, but through ignorance of the actual state of Ireland, totally unprepared for any effort to obtain control of the local public bodies, and out of harmony with the popular sentiment on the National question. He had several interviews with him, and succeeded in making a lasting impression, although Mr. Ford had been at first inclined to denounce Davitt for advocating what he considered a halting and half-hearted policy.”

Is that true?—It is utterly untrue.

87,538. (*Reading*)—

“The result was very satisfactory. For a considerable time the “Irish World” dropped its vague and meaningless denunciations of ‘great blasphemies,’ and its advocacy of ‘Eternal principles’ that were not stated, and went into plain, downright recommendations for an agitation against the existing land system in Ireland. This, together with Davitt's vigorous recommendations, increased its sale immensely in Ireland, and for a long time it became the recognised organ of the most advanced form of disaffection to British rule in Ireland.”

Is that statement true or not?—It is nearly all untrue; it is untrue with reference to the interview with Patrick Ford; it is untrue with reference to Patrick Ford's opposition to my views, and it is untrue with reference to my winning him ultimately over.

87,539. That is untrue, is it?—It is.

87,540. You did, as a matter of fact, advocate the “Irish World” being sold in Ireland, did you not?—Subsequently, yes, and I did my best to circulate it.

87,541. That part of the paragraph is true then?—That part is true, the “Irish World” always supported my land nationalism theory as against Mr. Parnell's peasant proprietary.

87,542. Do you suggest that is an invention of Mr. Devoy's, or not?—It is a history written by Mr. Devoy, that is all I have to say about that.

87,543. My question is whether you suggest it is an invention of Mr. Devoy's?—I have told you already that what he has said about myself and Mr. Ford is not true.

87,544. Do you suggest that that is an invention of Mr. Devoy's?—I say it is not true; I am not going to try Mr. Devoy here. I had one interview only with Mr. Ford, as I told you, in the presence of Henry George. It lasted about an hour on the eve of my departure for Ireland.

87,545. In 1878?—In 1878, having met him, simply being introduced to him at the Brooklyn meeting.

87,546. You have been on perfectly good terms with Mr. Devoy up to this time, have you not?—No, Mr. Devoy is to-day, one of the bitterest enemies I have.

87,547. From when?—Possibly from 1882; I met him once only since 1882 until 1886.

87,548. Do you allege that from 1882 Mr. Devoy has been your bitter enemy?—Yes.

87,549. From 1882?—1882, except on the occasion of my visit to New York in 1886, when I searched him out, and had a conversation with him with reference to the Chicago Convention; I learned in the papers that he was going to lead a faction there.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

and I wanted to get at him to know what their plans were, in order to frustrate him at the Convention in Chicago in the interests of peace.

87,550. To prevent dissension in the Convention?—To prevent dissension.

87,551. What I want to know distinctly is, do you allege from 1822 that he has been an enemy to you?—Yes, he has constantly attacked me in his paper.

87,552. Did Devoy come over from America in the fall of 1878?—I met Devoy in his father's house in Dublin repeatedly in, I think, 1879, the early part of 1879, there was no legal obstacle in the way of his coming to Ireland, his sentence had expired.

87,553. I am not upon legal obstacles, I wish to get plain facts; did he come over in the fall of 1878?—I met him in Dublin at the fall of 1878.

87,554. Did he come over with you?—No, he did not.

87,555. Do you know what steamer he came in?—I do not.

87,556. Do you know when he left?—I do not; probably he has published all of it in his history.

87,557. Did you see the letter of the 16th November in the "Irish Nation"?—The 16th November, what year? Do you mean the "Dublin Nation"?

87,558. Yes, I mean what is called the New Departure letters?—It appeared first in the "Freeman," and was copied into the "Nation" afterwards.

87,559. Had you seen it at all before you left America?—I had not.

87,560. Had you seen any of Devoy's letters before they appeared in the papers?—No.

87,561. You are quite sure of that?—Certain.

87,562. Did you notice the arguments bear a marked resemblance to your own arguments used in the Boston speech?—I cannot help that, possibly they do.

87,563. You now recognise the fact that those arguments do bear a remarkable resemblance to those used by you?—I should think he goes over the same lines, he writes more eloquently than I can speak.

87,564. Were you aware at this time that Devoy had the same policy, call it the new departure or whatever you like to call it?—Practically the same.

87,565. Was John Devoy known in Ireland as being a Fenian, or ex-Fenian?—I think very little was known about him in Ireland at all.

87,566. Had he been punished in any way?—He had been in prison.

87,567. For being a Fenian?—Yes.

87,568. Do I understand you to say that John Devoy's name would not appeal to Fenians in Ireland?—Oh, yes, to the Fenians, but you said Ireland.

87,569. John Devoy writing a signed letter in any Irish newspaper in the beginning of 1879 would have appealed to the Fenians?—To some, yes.

87,570. In speaking of the Fenians, the extreme section?—Well, the extreme section, I suppose by that you mean the Fenians.

87,571. Did General Millan come over too?—Yes, I met General Millan in Dublin in 1879.

87,572. How many times?—Once.

87,573. Only once?—Once.

87,574. What was General Millan over for?—That I cannot answer.

87,575. Are you sure, did you not inquire?—I know what he came over for.

87,576. What did he come over for?—That I cannot answer.

87,577. Did not you inquire?—There was no necessity for inquiring, I knew.

87,578. What did he come over for?—I cannot answer that question. I am bound by secrecy.

87,579. Let me just understand that?—I will answer in this way, that it was nothing whatever in connexion with land agitation.

87,580. How bound by secrecy; what do you mean by that?—I met General Millan in Dublin, along with other leaders of the extreme movement. I was pledged to secrecy with reference to this meeting.

87,581. I really do not understand you. Do you mean to say there was a particular meeting at which you were pledged to secrecy?—Every meeting, but I am called upon to tell you that I was there because it is my duty to do it.

87,582. Will you undertake to say that to your knowledge General Millan had not come over to inspect the I.R.B. forces?—Possibly.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,583. Can you suggest any other object which General Millan came over for?—I can only answer that by saying he did not come over in connexion with what you call the Land agitation.

87,584. That is no answer to my question at all. Can you suggest any other object that General Millan had in coming over, except to inspect the I.R.B. forces?—You are suggesting that yourself. I am not going to contradict you.

87,585. Did he present a report to you?—He did not.

87,586. At no time?—Certainly not.

87,587. Or to you and others?—No; not that I can recollect.

87,588. Will you pledge your word he did not?—Well, I cannot recollect. I would not like to pledge my word.

87,589. Not being able to recollect, and not pledging your word, can you suggest any other object that General Millan had in coming over except the inspection of the I. R. B. organisation from a military point of view?—No, I do not want to suggest any other object.

87,590. Did he come over with Devoy?—I do not think so, but I have no knowledge.

87,591. You are quite sure you have no knowledge of that?—I do not think he came over with Devoy.

87,592. You saw them together, I understand?—That I cannot answer; I saw both of them in Dublin.

87,593. Did you or did you not see them together?—I saw both of them in Dublin.

87,594. At the same time?—I would rather not answer that question.

87,595. Will you undertake to say it was not at the same time?—No, I will not.

87,596. How long was General Millan in England or in Ireland?—I have not sufficient information to answer that question.

87,597. To the best of your belief, some months?—I only met him on that one occasion.

87,598. To the best of your belief, how long was he on this side of the Atlantic?—He might have been here a month—two months.

87,599. To the best of your belief was he not here two or three months?—Possibly.

87,600. Did you hear of him as being at other places?—I do not think I did.

87,601. Will you undertake to say you did not hear of him being in other parts of the world besides Dublin; in the north, for instance?—It is a long time ago; possibly I may have heard it.

87,602. In the north, at Middlesborough?—No, I never heard that.

87,603. Do you know John Walsh?—Of Middlesborough?

87,604. Yes?—Yes.

87,605. Was John Walsh at that time connected with the Fenian organization, the I. R. B.?—I would rather not answer that question.

87,606. To the best of your belief was not John Walsh connected with it?—John Walsh was always an extreme Irish Nationalist.

87,607. Did it not come to your knowledge that General Millan was in Middlesborough in company with John Walsh?—No, I never heard it until you mention it now.

87,608. Did you know of General Millan's visit to Matthew Harris?—I did not.

87,609. Have you never heard of that?—Never.

87,610. Or where he was in Ireland?—No, outside of Dublin.

87,611. Did you know he was coming before he came?—I did not.

87,612. Were you surprised to see him there?—I was not.

87,613. It did not occur to you that coming over just at the same time as John Devoy, he might have some particular object in view?—Well, he very likely had some particular object.

87,614. What did John Devoy come over for?—Well, I know he came over to visit his family: that was one of the reasons.

87,615. Will you say that was the real object?—I have given you one reason that he came.

87,616. Do you suggest that that was the real object of his visit?—No, I do not suggest that.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,617. What was the object of his visit?—That I cannot answer. I think it has been referred to here over and over again. I would rather you took his own account of himself.

87,618. Excuse me, I must ask you questions; I may not see Mr. Devoy?—I do not see why you should not.

(*Sir C. Russell.*) You have the report.

(*The Attorney-General.*) Excuse me, Sir Charles, there is no reason for your interfering at all. I wish to ask Mr. Davitt these questions.

87,619. Did you not know at the time what John Devoy was over here for?—Possibly I did.

87,620. What was it?—I have told you already I cannot answer without breach of honour.

87,621. If Devoy had stated it, either to you, or at the time of his visit, what the object of his visit was, what breach of honour is there in your answering the question?—If John Devoy has stated it in his paper, or in any of his writings, I suppose it must be true.

87,622. Do you not know perfectly well that John Devoy was over here for the purpose of enlisting the Irish Nationalists in your new movement?—That was possibly one of his objects in coming over.

87,623. Can you suggest any other?—Except the one I have told you, that he came to visit his father and his sisters in Dublin.

87,624. Have you had curiosity enough to read his report to the Wilkes Park Convention?—I listened to it here, but I never heard it before or after.

87,625. This is at page 2470. You know of course that that particular document put in is a contemporary document?—It was put in by the witness Beach, I believe.

87,626. Whoever it was put in by, you know it purports to be a contemporary document?—Yes.

87,627. Do I understand you to say, Mr. Davitt, having read that, or heard that document read, you did not know that those were the objects of John Devoy's coming here?—I suppose John Devoy's report explains the object of his coming over, and I am not going to contradict it.

87,628. Assuming John Devoy's document to be a genuine document, that is to say, not the invention of the witness Le Caron, you do not suggest that Devoy was at that time wilfully misrepresenting his object?—I have no reason for suggesting that.

87,629. You and John Devoy at that time were on perfectly friendly terms?—Yes, we were friendly then, and only for a short time afterwards.

87,630. How long was John Devoy over here?—Well, he might have been in Ireland for a couple of months; I think he spent some time in France, and visited other parts of the continent.

87,631. Did you say a couple of months?—Possibly, I have no distinct recollection. It might have been for a couple of months. I know I met him several times at his father's house in Dublin, and he visited me at my lodgings in Anniens Street once or twice.

87,632. What was the subject discussed at those meetings at which General Millan, Devoy, and yourself were present?—The subject discussed at the two meetings of the Supreme Council; the main subject was Devoy's dispatch from New York.

87,633. What has been called the new departure?—Yes; these resolutions that were read out a while ago.

87,634. I ask you was not that with the view of getting the Irish Republican party in England to support the Land League movement, or Land movement I will call it—you may object to the word league, at that time?—John Devoy's proposals differed from mine; he proposed in those resolutions a union between the extreme force and the constitutional force.

87,635. I am calling attention to the dispatch?—Yes, I am referring to it.

87,636. The letter of December, published in the "Freeman" and the "Nation," called it the new departure; was not the object of those meetings to enlist the sympathy of the leading members of the Irish Republican Brotherhood in the proposals outlined in the new departure?—No, the only subject discussed in the papers, and the main



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

subject discussed at the meetings in Dublin was this despatch that John Devoy had sent on his own responsibility from New York to Mr. Kickham.

87,637. I call your attention to this, that subsequently to that there had been long letters appearing both in the "Nation" and "Freeman's Journal," signed by John Devoy?—That was in the latter part of 1879.

87,638. No, I beg your pardon, December 1878 and January 1879?—1878, yes.

87,639. That is to say, within a month after the scheduling of the resolutions?—Yes.

87,640. Do you represent that upon your return, when this meeting took place, there was no discussion with reference to these proposals of Devoy which had appeared in his name in the paper?—No, there was no discussion with reference to his proposals. I think his letters in the "Freeman"—I do not know about the first one, but certainly the second one was written after John Devoy had discovered that the supreme council would have nothing whatever to do with his proposal, or with any alliance with the constitutional party.

87,641. How many times did you see Devoy altogether?—Well, I think I may have met him half a dozen times in his father's house.

87,642. More?—I will not say that.

87,643. And other places as well?—He came to my lodgings in Amiens Street; he went about Dublin without any disguise, and came to my lodgings two or three times.

87,644. I understand you did not have any discussion with Devoy on the subject of his letters to the paper?—Devoy and I discussed the attitude of the leaders of the I. R. B. with reference to our policy.

87,645. Do I understand that you had no discussion with John Devoy as to what he was doing in Ireland?—That is very likely.

87,646. What was the object which John Devoy told you he had in view in coming over?—I have told you already. There is a report there which I have had no opportunity of contradicting, for anything I know to the contrary it is a genuine report, and John Devoy explains his mission and his motives.

87,647. Do you represent now to my Lords (never mind the report for the present) that at the time it did not come to your knowledge in interviews with John Devoy as to what he was doing in Ireland?—I imagine it was likely we discussed that and other subjects of any interest to the Irish people.

87,648. Now I call your attention, if you please, to the criticism upon these publications that appeared in some of the documents already in. The "Nation" was a paper of considerable weight, was it not?—You mean the "Dublin Nation."

87,649. I will call it the "Nation"?—Yes, the paper has a very honourable record; but at that time it had not a very extensive circulation.

87,650. What I want to know is, do you admit or deny that that was a paper which would be regarded as one of the Nationalist organs?—Not at all read by the extremists in Ireland.

87,651. I am not asking you anything about the extremists in Ireland?—Well, let me give you all the information I possess. I am very anxious to assist you as well as I can.

87,652. If you would answer my question, that would be nearer the point. I ask you whether or not you admit or deny that it was a paper read by the Nationalists in Ireland?—Well, we might differ as to who are meant by the word "Nationalists." The Federalists—men who followed Mr. Parnell—called themselves Nationalists, and always have; the extremists have been called Nationalists in years gone by. The "Nation" did not circulate among the extremist party in Ireland.

87,653. I call your attention to the article of the 16th of November, at page 2767, in which this statement is made:—

"The change, it is said, by those competent to speak on the subject—"

—I may say, Mr. Attorney, I was not a reader of the "Nation." I very seldom read the paper.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,654. "The change, it is said by those competent to speak on the subject——"  
(*Sir C. Russell.*) My Lord, if the Attorney-General wishes to have this, ought he not——

(*The Attorney-General.*) I will found a question upon it.

(*The President.*) It must not be read in its entirety. I gather from you there is some change, in fact, and that you want to found a question upon it.

87,655. (*The Attorney-General.*) Certainly.

"The change, it is said of those competent to speak on the subject, will take  
" the shape of a combination between the advocates of the physical force, and  
" those who believe in constitutional agitation, such as will leave the former free  
" to prepare for active work, while in the meantime giving a reasonable support  
" to a dignified and manly demand for self-government on the part of the  
" constitutionalists."

Was not that passage brought to your attention?—I do not know, I have read it in the "Nation." I have heard it here several times before.

87,656. Was not that an argument used repeatedly?—That would be John Devoy's way of putting it.

87,657. You are not attending to my question. Was not that argument used repeatedly both by yourself and John Devoy, that it would leave the extreme party "free to prepare for active work"?—I do not know. I put it in that way. I have told you I put my views before the American and the Irish people, namely, that making the tenant farmers independent of poverty and eviction, no injury could be done to the cause of national independence.

87,658. I call your attention again to the particular words which I had in my mind, and which I questioned you upon, leaving them free to make their preparations. I put it to you, did you not repeatedly point out that what I may call the Extreme section—the advanced physical force section—would be free to go on and make their preparations for action when the Land League had done its work?—I do not know that I ever put it in that way. I certainly have no recollection. If you refer to any speech of mine in which I put it in that way I will certainly admit it.

87,659. You do not differ from that here, I understand?—Well, I do not know.

87,660. Will you point to any speech or writing in which you have asked the Fenians either to abandon their ideas of force of arms or to suspend their preparations?—Oh, in many speeches since Mr. Gladstone introduced the Home Rule policy for Ireland I have called upon Extremists everywhere to give it a fair trial, which they would.

87,661. I thought our minds were on the same point. I ask you, before 1886, will you point to any speech or writing in which you directly or indirectly ask the Fenians or the Extreme party to suspend their operations?—No, but I know in their speeches Extremists and others and I myself had changed my opinions.

87,662. Can you point to any speech in which you asked the Fenians to suspend their operations?—Yes, I think I delivered many speeches in America, in which I have called upon the Extremists to give Mr. Parnell's movement a fair trial.

87,663. Can you point to any speech in which you asked the Fenians to suspend their operations?—I suppose I did not put it that way.

87,664. I am not suggesting; I use your language. Can you point to any speech in which you have asked the Fenians to suspend their operations for active warfare?—I believe I have, in over 50 speeches, called upon the most extreme Irishmen there to give Mr. Parnell's movement a fair trial, and I believe if that movement succeeded, Ireland would be satisfied and contented, and free from poverty.

87,665. And would not require to have separation. Now, think before you answer the question?—Well, I am in favour of the principle of total separation myself, and there are many—tens of thousands of the Irish race also—but I would answer if Mr. Parnell's movement were successful, I would give it loyal support, and I believe the idea of separation would ultimately die out.

87,666. That is not the point I am upon?—I am trying to answer your question.

87,667. I must take my own view of that. I am asking you to deal with before 1886—before what you call the Gladstone policy—and I would again ask you will you point to any speech or document in which you invited the Fenians ever to suspend



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

their operations?—I have publicly declared that I had left the Fenian organization, and I gave that invitation, and I believe I have in many speeches—I cannot recall them.

87,668. Nothing but that?—I did not put it in your way, but I put it in my own.

87,669. Did you at any time invite the Fenians, or the Extreme section to give up their operations?—In the way I have explained, over and over again.

87,670. That is all?—And by my own example, by my appeals in America, not only on the public platforms, but in the camps of the Clan-na-Gael; there is a change of feeling in England now. We know the English people better, and they know us better.

87,671. I am not asking you that?—Well, I want to say that.

87,672. I have not the least objection to your saying that?—I have good cause to hate the English people, and there is no particle of hatred in me towards them. They have injured me more than any man of the Irish race.

87,673. Do you remember in May 1879 the murder of a Mr. Young?—Yes, I remember reading that.

87,674. Were there some men named Weldon and McHugh, who were charged with it?—Yes, McHugh and Weldon were arrested and charged with this murder, and kept in prison without a trial, I think, for 12 months. They were subsequently tried and acquitted, or the prosecution was abandoned, I do not know which.

87,675. I am referring to what happened in 1879. Do you remember the defence fund got up for them?—I do. I either started the defence fund myself, or subscribed to it, believing them to be innocent, which they were ultimately proved to be.

87,676. That was the reason of your taking that action at that time?—Certainly.

87,677. Now in 1879 was there a meeting in Cannon Street in London?—In where?

87,678. In Cannon Street, London?—Of what?

87,679. Of anybody?—I never attended a meeting in Cannon Street.

87,680. Did you attend a meeting in London?—Many hundreds.

87,681. Shortly after you returned in 1879?—Shortly after I returned?

87,682. Yes?—No, I have no recollection of attending any meeting. I paid repeated visits here to London in 1879 and 1880.

87,683. Was Dr. Carroll over here in England?—I think he was, but I have no recollection of meeting Dr. Carroll in London.

87,684. Did you meet Dr. Carroll while he was in London?—No, I met him in Ireland.

87,685. The same Dr. William Carroll of Philadelphia?—The same Dr. Carroll.

87,686. What was he over here for?—Well, I would rather not answer.

87,687. Was Dr. William Carroll ever here in connexion with the scheme and plans that you had discussed with him in America?—Certainly not.

87,688. Nothing to do with them?—Nothing whatever.

87,689. What was your reason for not wishing to state why Dr. Carroll was over here?—Because I met Dr. William Carroll in Dublin with other Extremists, and I am pledged to secrecy with reference to that meeting.

87,690. Can you suggest any purpose for which Dr. William Carroll was over here except the same purpose that brought John Devoy and Millan over here?—No, Dr. William Carroll or General Millan came to Ireland with reference to the New Departure or the Land Agitation.

87,691. Can you suggest any purpose for which Dr. William Carroll was over here except the same purpose that had brought John Devoy and Millan?—No, I am not going to suggest any other purpose.

87,692. If it is an innocent purpose, Mr. Davitt, what reason is there why you should not state it?—An innocent purpose?

87,693. Yes?—I believe it was innocent from a moral point of view, but from a legal point of view in Ireland, probably not. Many things that are innocent in themselves are illegal in Ireland.

87,694. And in England, too?—Well, possibly, as things are managed just now.

87,695. Will you let me put this to you about this meeting. Have you any recollection of any meeting at which Dr. William Carroll was present?—I have no



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

recollection. I am certain I never met Dr. William Carroll in London. I certainly have no recollection of it, and, if I had, I would mention it as I have with reference to the meeting in Dublin.

87,696. I put to you, did you have a meeting in 1879. I will give you the names. I had better read them all through : John Devoy, Dr. William Carroll, Daniel O'Neil, J. Torley, P. N. Fitzgerald, M. Davitt, C. J. Kickham, and John McNerny were present?—No such meeting was ever held in London to my knowledge.

87,697. I said nothing about London?—I never attended such a meeting elsewhere.

87,698. You never met those gentlemen anywhere?—Not together.

87,699. Any of them?—Yes, certainly.

87,700. I am speaking of any of them in a meeting, collectively?—I have stated already I met Dr. Carroll and John Devoy.

87,701. At the same time?—No.

87,702. Never?—Not on this side of the Atlantic.

87,703. At no time in 1879 did you meet them together?—Certainly not; not on this side of the Atlantic.

87,704. I am speaking of that?—I am certain that I did not.

87,705. John Torley?—I have met John Torley at many public meetings.

87,706. With Carroll and Devoy?—No, never.

87,707. P. N. Fitzgerald?—I have met P. N. Fitzgerald several times recently, but never at any meeting of the I.R.B.

87,708. I am not putting that to you. I am putting to you about meetings?—Oh! Mr. Fitzgerald is a friend of mine. I meet him: when he comes to Dublin he comes to see me. I met him here in London a few months ago. He is a very extreme man and differs with me radically on my policy, but he is an honest man; he is a bitter opponent of the Land League, and Mr. Parnell's policy.

87,709. P. N. Fitzgerald was a Fenian?—He was tried and acquitted on some charge of that kind.

87,710. Do you believe he was a Fenian?—I do not think he was a Fenian.

87,711. Not at all?—Years gone by. I do not know anything about what he is now, except that he is a bitter opponent of Mr. Parnell's policy, and my views on the land question.

87,712. Did you know P. N. Fitzgerald in the year 1879?—1879, no; I do not recollect; I may have met him in Cork. I have no recollection. I think I met him in 1880 repeatedly and almost every year since.

87,713. John McNerny?—I met Mr. McNerny of Limerick, if that is the gentleman that you refer to, once, I think, in Dublin, and once at a Fenian meeting.

87,714. I really am not on the question of his being a Fenian. I am upon the question of the meeting at which these persons were present?—No, I never met Mr. McNerny at any meeting.

87,715. At the meeting of any man?—No; he was always a rabid opponnet of the land agitation.

87,716. Did you meet any of these men besides those you have admitted—Devoy and Carroll—any of those names I mentioned, in the spring of 1879, either alone or one or two together?—I think it was the spring of 1879 I met John Devoy.

87,717. I must take it again. General O'Neil, did you meet him?—I do not know who he is.

87,718. John Torley?—I know him well.

87,719. Did you meet him in the spring of 1879?—No, I did not.

87,720. You are sure of that?—I have no recollection. He presided at a meeting which I addressed in Glasgow, shortly after my release in 1877.

87,721. P. N. Fitzgerald you said you did meet?—Almost every year since then.

87,722. Kickham?—I met Mr. Kickham twice or three times in 1879.

87,723. And John McNerny, when?—I met Mr. McNerny only once in my life, and that was in Dublin.

87,724. Did you not meet those gentlemen in 1879 with reference to obtaining their support for your movement?—No, certainly not.

87,725. At no time?—Not except in the way I have explained.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,726. I do not know what you mean by that?—I have told you about two meetings, one in Paris and one in Dublin, where my policy, such as it is, was discussed and rejected by the leaders of the I.R.B.

87,727. Whether rejected at this meeting or not, did you meet these gentlemen separately, or one or two at a time, to induce them to support you in your movement?—No, I do not remember ever trying to induce any of these men on this side of the Atlantic to go into my movement. I may have discussed the question with Dr. Carroll.

87,728. Will you undertake to say you did not?—I will undertake to say I did not, with Dr. Carroll.

87,729. You put a particular name, I put several. Will you undertake to say you did not meet these gentlemen, or any of them, in the beginning of 1879, with a view to induce them to support you?—I have already tried to answer you. It is very difficult to catch what your meaning is. You are mixing up persons and meetings.

87,730. Is that your answer?—I think I have answered you over and over again. I never met McInerny at any meeting to my knowledge at all. I met Mr. Torley repeatedly at public meetings in Dublin. I met Mr. Fitzgerald frequently when he comes to Dublin. I never met him at a Fenian meeting, and I do not know whether he is a Fenian now or not.

87,731. Did you pay several visits in order to see what support you could obtain from the Fenians, or the members of the I. R. B. in various parts of Ireland?—I do not understand the question—pay several visits to where?

87,732. To various parts of Ireland?—I travelled all over Ireland.

87,733. I am speaking of the beginning of 1879?—Beyond the meeting to which I refer I do not know that I travelled to any part of Ireland to convince a Fenian with reference to public policy. In going to address meetings in the south or north of Ireland, if I met men of extreme views at these meetings I might reason with them.

87,734. What date do you fix as to the occasion of the period which you held meetings?—What meetings?

87,735. Meetings in support of the land agitation?—The first meeting of the land agitation was Irishtown.

87,736. What date?—I think the 20th of April 1879.

87,737. Now we will keep ourselves before that date. Did you go to Ballycraugh in January 1879?—No.

87,738. You are quite sure of that?—I am sure I was not at Ballycraugh in 1879 at all.

87,739. Did you go to the county Mayo?—Oh, repeatedly.

87,740. Before April?—Yes. I travelled through the whole of the west of Ireland before the Irishtown meeting.

87,741. Through the whole of the west of Ireland?—Well, there are villages and towns I did not visit. I went through the greater part of Mayo, Sligo, Roscommon, Leitrim, and Connemara.

87,742. You did not go to Ballycraugh?—No, it is a small insignificant place. I have no remembrance of going there.

87,743. I am putting to you whether you visited Ballycraugh in 1879?—I must answer, I did not.

87,744. Did you see J. P. Walsh at that time?—Yes, I met J. P. Walsh after my release from prison; he came up from the west of Ireland to see me.

87,745. I am confining it to the beginning of 1879, as the period I want to have your attention to. Did you see J. P. Walsh in the beginning of 1879?—Repeatedly.

87,746. He was Walsh of Castlebar?—No, of Balla; there was another, Joseph Walsh of Castlebar, and J. W. Walsh of Balla.

87,747. Did you see J. W. Walsh of Balla or Joseph Walsh of Castlebar?—Certainly; they are both relatives of mine.

87,748. Were they both Fenians?—Joseph Walsh never was.

87,749. Was J. W. Walsh?—I do not know; he certainly was not at that time.

87,750. Did you invite them to join in your movement—did you press them?—It required very little persuasion to get them to go into a movement of mine.

87,751. Did you?—Very likely. I was staying with Mr. Walsh in Balla at that time.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,752. Did you ever know O'Kane?—Of Claremorris? Yes, I knew him.

87,753. Did you know him before that time?—I did not.

87,754. Was he connected with Mr. Matthew Harris at that time?—I really do not know.

87,755. Mr. Matthew Harris, I think you said, you did not know personally in the beginning of 1879?—Oh! I think I met Mr. Matthew Harris very shortly after my release in 1877, I believe in 1878, and I visited him frequently in 1879, at his home in Ballinasloe.

87,756. Did you see Mr. Matthew Harris in order to enlist him in your movement?—I think it is very likely I went to discuss my views with Mr. Harris in Ballinasloe. He was a very notorious man in the West of Ireland, universally respected, as he is to-day, by those who know him.

87,757. Did you go to Clonbur?—Yes, I went to Clonbur several times.

87,758. Where is it?—It is on the borders of Mayo; I think in Galway, on the borders of Mayo.

87,759. Did you visit a man named O'Malley there?—I have no recollection of the name. I think I went to visit a Father Walter Conway, who was a priest; that is the only name I can recollect in connexion with that.

87,760. Did you know Pat Kearney?—No. I have no recollection of meeting anyone of that name.

87,761. You did not know a man of the name of Pat Kearney?—No.

87,762. Are you quite sure?—It is very likely I met him. I met a number of people. The name does not recall the person to my memory.

87,763. Anybody at all as being a member of the I. R. B. in that neighbourhood?—Certainly not. I do not know whether there were any members of the I. R. B. in that locality.

87,764. Did you in that visit to Mayo, in January and February, 1879, which is the date I suggest to you, see at various places local members of the I. R. B. with a view to enlisting them in the Land League movement, or of the local branches, or of the local members of the I. R. B.?—It is very likely I sought out the local leaders of the extreme organisation in Mayo to explain the land agitation to them.

87,765. How did you get the names?—Well, the extremists had confidence in me at that time and came to me; whenever I went to Ireland they came and introduced themselves to me.

87,766. I gather, you looked for them—your words were, you “sought them out”?—It is very possibly I did.

87,767. How did you get their names?—I might have got their names from the county centre.

87,768. Of course you might?—I have no distinct recollection.

87,769. I put it to you, did you not get the names of the local Fenian leaders—the local I. R. B. leaders in Mayo—from the centre, in order personally to visit them as you went about the place?—It is very likely; I have no distinct recollection.

87,770. You have no doubt you did, have you?—It is very likely indeed I did. Wherever I thought there was likely to be any opposition either in Ireland or America to my views, and to this movement which Mr. Parnell leads, I went there to try and put down the opposition.

87,771. After the first meeting did you continue to go about various parts of the country to hold various meetings?—I think I went nearly every Sunday to the western part of Ireland to hold meetings.

87,772. Did you ascertain before you went if you did not know them, the names of the local Fenian leaders?—I do not know that I did.

87,773. Will you undertake to say that you did not?—I think I can, because I have no recollection whatever of having done so.

87,774. Did you know the Nallys before that time?—No, I met the Nallys for the first time when I visited Mayo in 1878.

87,775. Did you know the Nallys had been Fenians?—I do not know; I do not think they were Fenians at that time, but I am not sure. Patrick Nally got imprisoned subsequently for the Crossmalina case. I believe he was not a Fenian, I met them for the first time in 1878, they are a very respectable family in Mayo.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,776. Whether respectable or not, did you see them in 1879?—Certainly.

87,777. Did you know one or both of them were a Fenian in 1879?—I do not think Scrab Nally was ever a Fenian, because I do not think any Convention would trust to the discretion of so foolish a man as Scrab Nally.

87,778. He was not discreet enough?—No, I think he does more injury to himself than any other.

87,779. Did you endeavour to enlist P. W. Nally in the support of your movement?—I did; he ultimately followed.

87,780. James Daly, of Castlebar; did you go and see him?—Yes, I saw Mr. Daly—very likely.

87,781. Was he a member of the I.R.B.?—No, he never had cared to be a Fenian.

87,782. Do you swear he was not a member of the Fenian body?—I swear from my belief he never had the courage to be anything of the kind.

87,783. It is not a question whether he had courage or not, but do you swear that he was not?—To my knowledge James Daly, of Castlebar, was never a Fenian.

87,784. Never a member of the I.R.B.?—Never a member of the I.R.B., though your chief witness, Beach, swore he went and attended a Clan-na-Gael meeting there—the fact was, he never went to America in his life.

87,785. We will see the witness when he comes. Did J. W. Walsh, of Balla, visit many places with you?—He was a commercial traveller in Ireland.

87,786. You know the person I mean?—Yes; I visited several places with him on several occasions when I visited the West of Ireland.

87,787. J. W. Walsh?—Of Balla.

87,788. J. W. Walsh is the man you say who has been a Fenian?—No, no, I do not think he was.

87,789. Were not the names of the local leaders of the I.R.B. known to Walsh?—Possibly; he was a man that was generally respected.

87,790. Did not Walsh go with you to various places because he knew the names of many of the local leaders?—Though not, I think, a member of the I.R.B. himself, he was a convinced Nationalist, and was a man thoroughly acquainted with the West of Ireland, and everybody in Mayo.

87,791. And knew who were the leading Fenians?—Very likely.

87,792. Now, I put it to you (I am speaking of the months of May, June, July 1879), is it not the fact that you went about with Walsh, seeing the Fenians in various parts of Ireland in his company?—Oh, I did go for that express purpose.

87,793. But when you happened to go there you did see them?—Certainly, wherever I knew there was a local leader of the Fenians, I went to have a talk with him.

87,794. Did you go to Ballinasloe?—Several times, to see my friend Mr. Harris.

87,795. (*The President.*) Which Mr. Harris?—Mr. Matthew Harris.

87,796. (*The Attorney-General.*) Louden, I think you said (I do not quite remember, I ought to), you knew at that time, or did you only become acquainted with him at the Westport meeting?—I first made Mr. Louden's acquaintance at the Westport meeting, and perhaps you will allow me to say that Mr. Louden never was a Fenian, being a lawyer he was a little too cautious.

87,797. Too cautious, I understand you to say?—In that respect. He took a very prominent part in organising the Irishtown and other meetings in Mayo.

87,798. What were the three counties you said you visited principally in that early part of 1879?—Mayo, and Sligo, and Galway—the Conemara part of Galway chiefly.

87,799. Did it come to your knowledge, on any of those visits from any of those people, that John Devoy had been there too?—I think he had visited Mayo.

87,800. Before you were there?—No, I think it was after I first went to Mayo. I think it was during the time he was in Ireland.

87,801. Did it come to your knowledge, in the course of going about, that J. W. Walsh was going about in Mayo in 1879, and that Devoy had paid visits round the country?—Oh, Devoy told me that he had been to Mayo.

87,802. Did you also learn it from the Fenian or I.R.B. local leaders down there?—I learnt in Claremorris that he had visited that town.

87,803. Did Mr. Devoy tell you what he had visited these districts for?—No; but I knew what he went down there for.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,804. What was it?—I would rather not answer that question for the reasons I have already given.

87,805. Come, Mr. Davitt, can you suggest any other reason, except to go round and enlist the local leaders of the Fenians?—Possibly that was it.

87,806. Now, did you not explain to these Fenians you saw between the meetings, the member of the I.R.B., that you were promoting this movement with a view to National independence?—It is possible, but I have no recollection of it.

87,807. Will you undertake to say that you did not do it repeatedly?—No, this is what I will undertake to say. I have repeatedly said in Ireland and in America, that in my belief, the land movement, which originated in Irishtown, would not be an injury to the cause of National independence. That is the way I put it.

87,808. That is an expression in the same direction I am putting?—Put your own interpretation.

87,809. I do not want to put my own interpretation. The Court have to do that. But you have told me in between the meetings you were travelling about in various parts of Ireland. You remember saying that?—Yes.

87,810. You have also told me you took the opportunity of seeing practically wherever you went, or at any rate at a great many places, those whom you believed to be the local I.R.B. leaders?—That is right.

87,811. Did you not impress upon those leaders over and over again that the driving out of the landlord garrison would be the first and great step to Irish independence?—Very likely. It was rather a favourite argument of mine, I think, though the course of events has changed my opinions on that point.

87,812. You regarded, then, the driving out of the English garrison—the English landlords—the landlord garrison—as being a constitutional action?—Certainly, if it is effected by constitutional means.

87,813. To any one of those men (and I ask you if you say to anyone to give me the name,) did you ever suggest they should suspend their Fenian preparations?—No, I do not remember that I ever did, except in the way I told you a while ago by my own example in favouring a public against a secret movement.

87,814. Did you know at the time arms were being distributed?—I read from time to time that arms were seized by the police.

87,815. I do not think that is an answer. If arms were seized by the police it would be in attempts to distribute them?—I did not know of my own knowledge that arms were being distributed at that time.

87,816. Did you believe it at the time?—It is very likely they were.

87,817. Did you meet J. J. O'Kelly in the years 1879, 1880, and 1881?—I do not remember meeting him in 1879. I think I met him in Ireland in 1880, at the time of the general election. My recollection is not very clear.

87,818. Did you know what work Mr. O'Kelly was engaged in in the years 1879 and 1880?—I do not know that he was engaged in any particular work.

87,819. Did you know?—Well, I have no very distinct recollection about it.

87,820. Well, not knowing that he was engaged in any particular work in 1879 and 1880?—I do not think he was engaged in any particular work in Ireland in 1879 or 1880. I have no knowledge of it, except during the general election, when he was elected for Roscommon.

87,821. Not knowing he was engaged in any particular work, did it come to your knowledge he had anything to do with the distribution of arms?—No, it did not. It came to my knowledge that he was visiting the West of Ireland as correspondent for the "New York Herald."

87,822. Had Mr. O'Kelly been engaged in the distribution of arms before your imprisonment?—I will not answer that question.

87,823. Will you undertake to say he had not?—I would rather not answer that question, for the reasons I have already given. I have told you Mr. O'Kelly is likely to be a witness here, and he has a clearer knowledge of his own career than I have.

87,824. Will you undertake to say to your own knowledge he had not?—I will not answer that question, with all respect to the Court.

87,825. Will you undertake to say that to your own knowledge, by which I mean information you received as to what was going on, he was not distributing arms in the



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

years 1879 and 1880?—I have no knowledge whatever that he was doing anything of the kind.

87,826. Not the slightest?—Not the slightest. I do not believe it. I do not believe Mr. O'Kelly had anything whatever to do with the Fenian movement in 1879 or 1880. I think he was expelled from it, like Mr. Egan.

87,827. You said you heard arms were being seized by the police?—I have read from time to time they were seized by the police.

87,828. On many occasions?—Not many.

87,829. I am confining your attention particularly now to the years 1879 and 1880?—Yes, I think there were some seizures in 1879 or 1880.

87,830. Did you at all take any steps to inquire where those arms had come from?—I did not.

87,831. Did you make any inquiry as to whether the "Clan-na-Gael" had been sending over arms?—No; I made no inquiries whatever, and I do not believe they had been sending over arms.

87,832. Do you know that the "Clan-na-Gael" had in previous years sent over arms? No; I have no knowledge whatever that they did anything of the kind.

87,833. Do you believe it?—I do not believe it.

87,834. You believe they had not?—I do not believe they have sent any arms to Ireland.

87,835. Who do you believe sent arms to Ireland?—When?

87,836. At any time in the years 1879 and 1880?—I do not know that any arms were ever sent from America to Ireland; I never heard of it.

87,837. (*Mr. Justice A. L. Smith.*) Did you ever hear of their coming from the other side of Europe?—No, my Lord; I have sent arms from England to Ireland repeatedly.

87,838. Europe?—No, I never heard that.

87,839. (*The Attorney-General.*) I suppose you are speaking of the earlier time?—Yes; I sent rifles and revolvers to Ireland in 1869 and early in 1870.

87,840. Where had the money come from then?—From the subscriptions of the circles.

87,841. In America?—No.

87,842. None in America?—None whatever in my time.

87,843. Do you know what John Walsh was doing in 1879 and 1880?—Which John Walsh?

87,844. John Walsh, of Middlesborough?—I think in 1880 he was organiser for the Land League in the north of England and Scotland.

87,845. Very likely. Do you know whether John Walsh had at any time been concerned in the sending of arms to Ireland?—I have no knowledge whatever that he had.

87,846. Your belief?—Well, I have no knowledge. Belief is based on knowledge, and I have no knowledge.

87,847. Your belief?—Well, it is not unlikely, but I have no knowledge whatever of it.

87,848. I put it to you, Mr. Davitt, you know?—Perhaps you are confusing two Walsh's. There was a Thomas Walsh tried here in London for sending arms to Ireland, but I do not know that John Walsh had ever anything to do with sending arms to Ireland.

87,849. I am not making any confusion, but I will take it, please. Did you know Thomas Walsh?—I knew Thomas Walsh in 1868 or 1869 here in London.

87,850. Did you see Thomas Walsh after you came out of prison?—I do not think so. I do not think I have seen him since 1869.

87,851. Will you undertake to say you did not?—Well, I have no recollection whatever. If I had I would tell you, because I believe him to be a very honest poor fellow who has suffered a good deal for what he did.

87,852. Did you know what he was doing?—When?

87,853. In 1879 and 1880?—No, I knew nothing about it.

87,854. Did you know of his trial?—His trial did not take place in 1879 or 1880.

87,855. I did not say it did. I said did you know of his trial?—Subsequently, yes.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,856. At a time prior to his trial did you not know at all (I mean by information conveyed to you) what Thomas Walsh had been doing?—No, I had no knowledge whatever of what he was doing before his trial. I had practically left the Fenian movement in 1879 and I did not trouble myself very much afterwards with what was going on there.

87,857. Had Thomas Walsh been engaged with you in the Fenian movement before your imprisonment?—He was.

87,858. Had you any reason to believe that Thomas Walsh had ceased to belong to the I.R.B.?—Well, I did not know. I lost sight of him after my imprisonment, and I do not know that I have seen him since.

87,859. I want to put it to you, please. Did it not come to your knowledge that money was being sent for arms?—Money from where?

87,860. From various parts of Ireland?—The rule was when I was in the organization for every man to subscribe something a week or a month, for the purchase of arms. It was a very small amount, threepence a month, I believe, or something of that kind.

87,861. Did you believe in 1879 or 1880 that was still going on, or not?—Very likely it was going on. After I left the movement I took no further interest in what was being done.

87,862. Did it come to your knowledge, when you were about in Mayo in 1879 and 1880 with J. W. Walsh, that arms were being sent to various parts of Ireland?—Well, I cannot say that it came to my knowledge. It is very possible that it did, but I have no distinct recollection. I remember that on one or two occasions some seizures were made either in Mayo or Sligo, I cannot remember which, and it may have been in 1879 or 1880.

87,863. I put it to you, Mr. Davitt, that after Devoy's visit, which was referred to, as you know, in the report which I have read which speaks of the beginning of 1879, in the course of your visits about Ireland, when you saw these leading local Fenians, did it not come to your knowledge that arms were being sent by somebody to the local Fenian men?—I am certainly not aware that arms were sent. If I was, and if I recollected it, I would certainly answer it, but I have no recollection of it.

87,864. Did you disapprove of arms being sent to Ireland?—Oh, not the slightest. I think all people have a right to carry arms.

87,865. Revolvers and rifles, and that sort of thing?—I do not see why not. In free countries people are allowed to carry arms, and if you governed Ireland justly you might put arms into the hands of the people, and they would be your defence instead of a menace to your authority.

87,866. For peasants, you mean?—Why not?

87,867. For what lawful purposes do you suggest the peasantry of Mayo, Galway, and these counties should have rifles and revolvers?—Because it is their right to have arms if they so wish.

87,868. Then I understand you, Mr. Davitt, to say that if it had come to your knowledge in 1879 or 1880 that arms were being secretly distributed about the country you would not have disapproved of it all?—I would not have interfered. I believe that every man in Ireland has a right to have a rifle if he so wishes. I hope some day that will be the case—when the fact of his having a rifle will not frighten the English people.

87,869. For what lawful or constitutional purpose do you suggest that the secret distribution of arms in 1879 and 1880 was going on?—If there was a secret distribution of arms in Ireland in 1879 or 1880 it would be in furtherance of the policy of the I.R.B., which policy was to overthrow by force of arms the British Empire in Ireland which has not yet been accomplished.

87,870. You said you approved of it?—I approve of every man having a rifle if he so desired.

87,871. You approved of the distribution of arms in Ireland?—I was not called upon to approve or disapprove, because I took no part in it.

87,872. You did not disapprove?—I was not called upon to disapprove of it.

87,873. If it came to your knowledge that arms were being distributed by people in Ireland, you did not endeavour to dissuade them from the distribution?—No, I would endeavour to dissuade them from using those arms for a wrong purpose.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,874. Till the right opportunity came?—The right opportunity will never come in that direction.

87,875. It is no use sending money for the distribution of arms if the right moment will not come?—If the landlords and agents in Ireland have arms, why should not the people have arms. You very often put arms in the hands of one class to shoot down the people. If you gave arms to the whole of the people, they would probably become of one mind and contented.

87,876. In July 1879, at the Claremorris meeting, both the Nallys were present, I think, were they not?—I think both the Nallys attended all the first meetings in Mayo. That is the Irishtown, Westport, Claremorris, and Miltown meetings. As well as I can recollect, they attended all these meetings.

87,877. You have said that J. W. Nally was a man who would not be trusted by the Fenians, on the ground that he was too injudicious?—Well, I do not want to say anything about poor Scrab. He is an unfortunate poor creature, but he is not a man that nature ever wasted any discretion upon, and he would consequently not be admitted into the Fenian organisation. He is a man who could no more keep a secret than a sieve could keep water.

87,878. Were you acquainted with his speeches before they were read in evidence in this Court?—I remember that whenever Scrab Nally stood on a platform with me, I prohibited him from speaking in my presence.

87,879. That is not my question. Were you acquainted with his speeches?—I never read them in a paper, because they were not reported. Oh, I beg your pardon. I heard them read at the State trial in Dublin in 1880.

87,880. Then I may take it, if you please, that your answer is that your knowledge of Scrab Nally's speeches comes from having heard them in Dublin, and heard them in this Court. Is that it?—Yes.

87,881. When you required the loan in August 1879, I am right in saying, am I not, that you wrote to Patrick Ford, John Boyle, O'Reilly, John Devoy, and Carroll?—You will kindly, to be correct, alter your question. I did not require a loan.

87,882. Very well, I beg your pardon; I only refer to the incident. I do not wish to put anything into your mouth you have not said. At that incident to which you refer those are the four gentlemen you wrote to?—I wrote to John Boyle O'Reilly, John Devoy, Patrick Ford, William Carroll, and the late Mr. Mahon, of Rochester. You will find the whole thing in the interview in the "New York World" for 1882, published seven years before this Commission was thought of.

87,883. William Carroll, Patrick Ford, John Boyle O'Reilly, John Devoy, and P. Mahon, of Rochester. We know, I think, that three, if not four, of them, had signed that telegram which came over with John Devoy's own authority?—Their names were put to the telegram by John Devoy.

87,884. As far as you know, that telegram has never been repudiated by them?—I think it has.

87,885. Where?—I think Dr. Carroll has.

87,886. Where?—My recollection is that he has said somewhere that Mr. Devoy acted upon his own responsibility, and I am certain he did with reference to P. T. Mahon, of Rochester.

87,887. Where did you say it was published?—I have a dim recollection it was published, because I know that Dr. Carroll became an honest opponent of the Land League policy very early, and was never a member of the Land League.

87,888. Were those all gentlemen who had sympathised with you in your agitation after the matter had been discussed? Never mind the Land League for a moment?—Yes; Dr. Carroll, I think, unwillingly. He was under the impression that the land agitation would simply enable the Parliamentary party to control the whole country, which prediction has been fulfilled.

87,889. But you did not write to him as not being a sympathiser?—He was a sympathiser with me. He was a personal friend of mine, a gentleman who extended his hospitality to me in Philadelphia, a man whom I very highly respect.

87,890. What I want to get from you is that the four or five men to whom you communicated in August 1879 were members of the extreme section in America?—They were all extreme men in Irish-American politics.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,891. And all had sympathised with you, at any rate, before you left America in the schemes which you had proposed?—Yes, subject to what I have said with reference to Dr. Carroll; that he believed it would only end in building up a strong constitutional party and destroying the revolutionary movement on both sides of the Atlantic, and that prediction has been fulfilled.

87,892. Was it at about the same time that you were in communication with Ford as to being the correspondent of the "Irish World"?—I do not know whether I began to write letters for the "Irish World," for which I was paid at that period. I think it was later.

87,893. Let me call your attention, if you please, to the letter that you wrote to John Boyle O'Reilly at page 2784. It is under date 10th September 1879:—

"My dear O'Reilly, I am sending you an article for the 'Pilot,' on the next phase of the National Land Movement. This land agitation is destined to do more for Ireland than all the movements since '98. The entire country has accepted the proposal for abolishing landlordism. All the known and active Nationals will combine. A convention is shortly to be summoned which will endeavour to weld the two sections of National politicians into one. I hope you will endeavour to arouse the healthy Irish-Americans to a generous appreciation of what this rational movement demands at their hands, if they care anything at all for Ireland. Hoping yourself and family are as well as I would wish.—I am, sincerely yours, MICHAEL DAVITT."

Yes, I wrote that letter.

87,894. You meant to represent the truth when you wrote that letter?—I possibly exaggerated a little, but that is my letter, and I do not repudiate it.

87,895. Did you mean it to be a true letter when you wrote it?—Certainly. I would be very sorry to write a letter I did not mean to be true.

87,896. John Boyle O'Reilly up to that time had never stated his abandonment of his Fenian principles?—He ceased to be a Fenian years before. John Boyle O'Reilly has not been a Fenian since he escaped from Australia.

87,897. Then we will call him advanced?—There is no reason to call him a Fenian.

87,898. Is he of advanced Nationalist views?—Well, no; I think he is rather a Conservative. He is a leader of the Conservative Nationalists in America. He is an opponent of secret societies on principle.

87,899. I must put something to you with reference to this, if you say that about Mr. John Boyle O'Reilly. Did you write to him as a leading Nationalist, or not?—Certainly, as a representative man, and as a personal friend of my own.

87,900. "This land agitation is destined to do more for Ireland than all the movements since '98"?—That is one of my many exaggerations.

87,901. Did you mean it at the time?—I hoped at that time it would; but I am afraid I did exaggerate.

87,902. Did you mean at the time——?—I believed enthusiastically at the time in the movement that was started in Mayo.

87,903. I am sure you do not mean to interrupt me?—Under that belief I may have exaggerated to the extent that is seen in that letter.

87,904. That is not the point of my question. I only want you to let me finish it?—I thought you had read it over once.

87,905. I am not upon the reading over; I am putting a specific question to you. Did you mean at the time to indicate that the movement would tend towards revolution?—No, I do not think so.

87,906. Why did you say "more for Ireland than all the movements since '98"?—I believed that at the time, because it looked then as if the movement was going to unite all Irishmen on one platform, and no previous movement had succeeded in doing that.

87,907. In both 1848 and 1867 there had been revolutions or attempted revolutions?—Yes, very poor attempts at revolution.

87,908. "The entire country has accepted the proposal for abolishing landlordism"?—Yes, and now if I was writing again I might say the Tory party had joined the country in that belief.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,909. You have had the opportunity of saying that for the third time?—I hope I am not offending.

87,910. Having interjected that, we will go on: "The entire country has accepted the proposal for abolishing landlordism." Did you not mean to appeal to John Boyle O'Reilly's desire to get rid of the English garrison?—Very likely, although at that time John Boyle O'Reilly was not what you would call an extremist in Irish-American politics.

87,911. "All the known and active Nationals will combine"?—Well, that would refer not to Nationalists as meaning Fenians. We had in Ireland the followers of the 1848 movement, P. J. Smyth and others, who called themselves advanced Nationalists, and several of those joined our movement. The Fenians did not monopolise the term "Nationalist" in 1879 and 1880.

87,912. "A convention is shortly to be summoned which will endeavour to weld the two sections of national politicians into one." Did you not mean by that the extreme physical force section and the Home Rulers?—I think I should have said that it "would endeavour" to weld all parties in Ireland on one platform.

87,913. Did you not mean by that the combination of the extreme section with the less extreme?—I did not mean any explicit combination between extremists and constitutionalists. I believed then, as I have over and over again expressed, that our movement started in Mayo would bring all Irishmen,—Fenians and Orangemen, Federalists and Nationalists,—upon one platform.

87,914. (*The President.*) Which were the two sections you meant here?—I think, my Lord, that would refer to the constitutionalists and the extremists.

87,915. (*The Attorney-General.*) That is what I put to you, Mr. Davitt. Now, I must anticipate a little. This letter was written to John Boyle O'Reilly?—Yes.

87,916. Have you been intimate with John Boyle O'Reilly ever since?—Ever since. He is one of my warmest friends in America, a man for whom I have the highest admiration.

87,917. You have seen him whenever you have gone to America?—Yes, whenever I have gone to Boston I have seen him.

87,918. Has he been over in England or Ireland at all?—No; you will not let him come.

87,919. You may think that an answer, I only take the fact?—He escaped from Australia. I suppose that is the reason why he cannot come over.

87,920. You have continued in friendship with him ever since?—Oh, certainly.

87,921. You have represented John Boyle O'Reilly in connexion with my questions as being what I may call a moderate man?—He is now considered a very Conservative Nationalist in America, that is, a staunch follower of Mr. Parnell's.

87,922. Did you know John Boyle O'Reilly's views with reference to the Phoenix Park murders?—No. I recollect that he denounced the Phoenix Park murderers very strongly in his paper, and I think he offered a reward, or he in conjunction with the Land League of Boston offered a reward for the apprehension of the authors of the 6th of May tragedy.

87,923. Do you remember the Brady anniversary?—Which Brady anniversary? I remember this thing being read a dozen times in this Court—something about a Brady anniversary in New York.

87,924. Do you remember reading in the "Irish World" the report of the Brady anniversary?—In what year?

87,925. 1884 was the date?—I do not think I got the "Irish World" in 1884; I am not sure, but I do not recollect reading that in the "Irish World." I have heard it read here.

87,926. Do I understand you to say you did not hear of the Brady anniversary taking place shortly after it did take place?—Well, I really do not recollect. I do not think it was reproduced in any Irish paper. It may have been.

87,927. Do you represent to my Lords that you cannot remember whether you read of such a thing as the Brady anniversary?—I certainly cannot remember having read at the time about what you call the Brady anniversary.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,928. "What I call"; it is what other people call it; but we will see. Did you approve of the Brady anniversary?—I was not called upon to approve or disapprove of it. I was not there. I took no part in it whatever.

87,929. Did you approve of the Brady anniversary, as you have heard the report of it read in this Court or from previous knowledge?—Why am I called upon to say whether I approve of a thing with which I had nothing to do, and which I may not have read about?

87,930. You must answer my question, please. Assume an anniversary in May 1884 to celebrate the execution of Brady, the Phoenix Park murderer. Do you approve of that?—No, I do not approve of it if it was in celebration of the deed. I reprehended the deed at the time, and I do now, and I think any celebration that would elevate that deed into something to be remembered and admired by the Irish people is very wrong.

87,931. I have much, I regret to say, to put to you about that later, but I must, in consequence of your answer about John Boyle O'Reilly, put this to you before we adjourn. Did it not come to your knowledge that a signed letter from John Boyle O'Reilly was read at the Brady anniversary?—I never heard of it before.

87,932. Never till this moment?—Never. I do not know that it has been read here. I have been an attentive listener to nearly everything which has been read here. I do not recollect that.

87,933. I call your attention to the report of the Brady anniversary in the "Irish World" of May 1884?—I told you I had not read it.

87,934. Then I will produce it to you afterwards.

Adjourned for a short time.

87,935. (*The Attorney-General.*) Mr. Davitt, I wish if I can to conclude this particular matter with reference to John Boyle O'Reilly. I must ask you to look at this copy of the "Irish World" of 24th May, 1884, with "Joe Brady's memory," on it. Look at it (*handing same to witness*). I ask you whether you have not seen that before, or whether the fact of the celebration did not come to your knowledge?—I think I saw this produced in Court before. I do not remember seeing it previously to that occasion. I used to get the "Irish World" occasionally in those years, but not at all regularly, and I am certain I never saw this copy of the "Irish World" until I saw it here.

87,936. I must call your attention to one particular matter in it; perhaps I had better mark it with pencil.

87,937. (*The President.*) You mean you never saw that number?—No, my Lord, until it was produced here in Court.

87,938. (*The Attorney-General.*) I have to ask you a series of questions afterwards about your answers about Mr. Ford and the "Irish World," therefore, I do not want to anticipate, but I am obliged to put this now, because of what you said about John Boyle O'Reilly. There are several headings here, in the "Irish World"—

"Joe Brady's memory.

"Grandly honored by New York Emergency men.

"One of the most pronounced demonstrations it has ever known.

"Thousands cheering the hero martyrs."

These are all separately marked paragraphs to catch the eye.

"And solemnly pledging themselves to aid in the work inaugurated."

I must ask you do you approve of that?—Well, at that time the "Irish World" was not supporting Mr. Parnell's policy at all. It had a policy of its own.

87,939. It is not a question of the "Irish World"?—I am not called upon to pass judgment on Patrick Ford; I have told you already all I think I know about Patrick Ford. I am not responsible for what he says there.

87,940. (*The President.*) The state of your mind is pertinent. I understand you, however, to say that he would be wrong?—I said he would be wrong to elevate anyone connected with the unfortunate tragedy of the 6th of May into a hero, or anything of that kind. I think it would teach a very bad lesson to the Irish race, and would be



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

very reprehensible, still at the same time that is consistent with the belief that I had, that this poor unfortunate man Brady was actuated by what he thought were proper motives. His deed did a great injury to the Irish cause—nearly killed Mr. Parnell's movement; but as he has died and paid the penalty of his act I like to speak of him with charity.

87,941. (*The Attorney-General*). Do just look. I do not want to draw you now into a discussion of Patrick Ford and the "Irish World," I will take that by itself, but look at the fourth column of that, where there is a letter purporting to be signed by John Boyle O'Reilly?—It does not follow that every letter purporting to be signed by a man was written by him.

87,942. Do you suggest that Ford did publish a letter purporting to be signed by John Boyle O'Reilly, which was not genuine?—Perhaps a forged letter might have been sent to Patrick Ford or any other paper.

87,943. And never withdrawn. I call attention to that. Do you represent that you think that letter, signed by John Boyle O'Reilly, was not written by O'Reilly for publication?—Well, I have no opinion about it. It strikes me it would not be contrary to what John Boyle O'Reilly would be likely to do; I think he would judge of the man as I do, with charity, now that he is dead, and paid the penalty of his crime.

87,944. Let me just read it to you. This is the invitation, signed by John Boyle O'Reilly.

"Dear Sir,

Boston, 22nd of May.

"I regret that I cannot accept, on account of other engagements, your kind

"invitation to attend the memorial service on May 15th. No matter whether

"we agree with his principles or not, the man who gave his life for them is a

"man to be honoured, and remembered. All Irishmen did not agree with Joe

"Brady's way of righting a robber's wrong, but all the patriots on earth must

"respect him. Thanks for your kind invitation.

"I remain,

"Truly yours,

"John Boyle O'Reilly."

In reference to what you said about Mr. John Boyle O'Reilly, I must ask you whether you approve of that letter?—I am not called upon to approve of it.

87,945. Pardon me, you must answer; do you approve of it?—I would not write the letter.

87,946. Do you approve of a letter which speaks of Brady righting a robber's wrong, and all the patriots on earth respecting him?—No, I would not approve of that, no more than I approved of an article in the "Times" in 1858, which defended the assassination or attempted assassination of the Emperor of the French.

87,947. I want to call your attention to a statement in "Cashman," to ask you whether it is not true. I understand you to say you read "Cashman," and you believed it to be a book that you believed added immensely to the knowledge of the Irish people?—I did not say that; I said that in reference to Mrs. Sullivan's book. I believe I have read that.

87,948. "The life of Michael Davitt, founder of the National Land League, to which is added the secret history of the Land League by Michael Davitt"?—That refers to the interview published in the "New York World," and that was edited, I believe, by Mr. Ferguson, Publisher, of Glasgow.

87,949. You have read this book?—I do not think I have read the whole of the book you have there; I have read editions of it—part of it.

87,950. Is it not the fact that the opposition to the Land League was headed by James Stephens?—I was not aware of that. I believe he was opposed to it at first, and Mr. John O'Leary and other men who had been leaders in the Fenian movement were opposed to it.

87,951. James Stephens being still an open war Fenian?—I believe James Stephens has retired from revolutionary politics years ago.

87,952. I am speaking of 1879?—It is just possible in 1879 Stephens might have written something or said something against the Land League.

87,953. Was he not believed to be an open war Fenian at that time?—He was known to be a man who had changed his principles; I do not know that he was taken much notice of then.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,954. And John O'Leary, was he the same?—He was an open warfare man, who would not resort to any dishonourable action whatever.

87,955. I will read a passage from page 72, of Cashman, published in 1885, or 1886, I cannot give you the exact date, and ask you whether that is not true:—

“ In the beginning much opposition was given to the ‘ New Departure,’ as it was called. The ‘ Dublin Irishman ’ condemned the idea that patriots should vote for Members of Parliament, and ridiculed the presence of a Nationalist in Westminster.”

Is that true?—Yes, I think the “ Irishman ” took that attitude.

87,956.—

“ The executive of the I.R.B., or a body calling itself by that name—for most certainly it was not the ‘ Supreme Council ’ of the I.R.B.—issued a manifesto condemning the New Departure.”

Was not that true?—I do not know but what the Supreme Council may have issued a manifesto in 1879 and 1880, condemning the Land League.

87,957. Did you ever see it?—There were two or three manifestoes published at that time with that object.

87,958. I put it distinctly, was not the manifesto one which was believed to be issued under the auspices of Stephens, to which O'Hanlon was a party, and not by the Supreme Council?—I have no knowledge whatever of what you call the working of the O'Hanlon or Stephen's party, and I do not think Stephens had anything to do with the issuing of that manifesto.

87,959. But are you able to tell me any members of the Supreme Council who were parties to it?—No, but the Supreme Council may have issued a manifesto.

87,960. May have?—Yes, in 1880 or 1881.

87,961. Do you remember a speech of Mr. Parnell's in September 1879 which is also reported in Cashman, I call your attention to it, at a meeting of the Home Rule League in Dublin?—I very likely read the speech in the papers.

87,962. I call your attention to the citation from it at page 101 of Cashman:—

“ Unless we unite to a great extent all shades of political opinion in the country, I fail to see how we can expect ever to attain to National independence; and I think now, when we are considering what we are to do for the future, when we are taking this very important step, we should endeavour to bring along with us as many men as possible of all shades of opinion, we should endeavour to close up our ranks, and not create unnecessary stumbling-blocks in the way of men joining the National movement who otherwise might be disposed to join it, but are prevented by one cause or another from taking part in the work.”

Do you remember that speech?—I would like to see the whole speech before answering as to the accuracy of that extract.

87,963. I can only give you what I have at present, the extract?—If it appeared in the “ Freeman's Journal ” I very likely did read it; but what Mr. Parnell would mean there by National independence would not be what I mean by National independence.

87,964. Now, Mr. Davitt, I must call your attention just here in passing to two matters which occurred at the end of the year 1879, and formed a subject of discussion afterwards. You remember, of course, the preparation of the Land League programme?—Yes.

87,965. Was the Land League programme framed so as “ not to scare away any timid land reformer? ”—I think I used that expression in a speech in America.

87,966. Is that true?—But I do not think that was in Mr. Parnell's mind when he drew up the programme. Mr. Parnell was anxious to bring all land reformers into the movement on one platform.

87,967. I call attention to a letter of Mr. Davitt's at page 2222. Was it true that the organiser of the conference had been asked to consider the advisability of framing such a programme as would not scare any timid land reformer away?—That was my way of putting it, probably it was not an accurate way. Mr. Parnell wanted to draw up a platform that would invite the co-operation of all land reformers in Ireland, whether Radicals or Conservatives.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

87,968. Do you suggest that was not true?—No, I do not suggest it. I did not write it. It is the first time I have had an opportunity of expressing any opinion about it.

87,969. It formed the subject of great discussion afterwards, did it not?—If it is a quotation from a letter that I wrote to the “New York Tablet” in reply to a letter from Mr. Alexander Sullivan—

87,970. The “New York World”?—The “New York World.”

87,971. Which appeared in the “Nation” and “United Ireland”?—I was attacked by John Devoy at the time, and I replied to the attack in that letter, and that expression you have now quoted occurs in that letter.

87,972. I call your attention to the same letter?—Perhaps it would be as well to read the whole of the letter; I have got it here.

87,973. It has been read more than once. I must put this question to you:—

“What, then, was the principle upon which the Land League was founded?”

“I maintain that it was the complete destruction of Irish landlordism; first, as

“the system which was responsible for the poverty and periodical famines which

“have decimated Ireland; and, secondly, because landlordism was a British

“garrison which barred the way to national independence”?—

Those were my sentiments at that time.

87,974. Is that true?—Certainly, I wrote those words.

87,975. And you meant it to be true?—Yes, certainly, but nobody else was responsible for these sentiments but myself. At that time I was not in active co-operation with Mr. Parnell and the Land League movement.

87,976. You were the founder of the Land League?—Of the Land League; but this was written at the time of the National League.

87,977. I am dealing here with a statement which you made?—Written at what time, 1884?

87,978. For my purpose it makes no difference, but the actual date was May 1884?—I wrote what you read; those were my sentiments at the time or I would not write them, and I am not going to repudiate them here.

87,979. Those being your sentiments, you were the founder of the League?—The founder of the League.

87,980. The father of it—the moving spirit in it?—I do not say that. It was taken out of my hands before very long. The Land League was the people’s movement and the politicians got hold of it, and it became a political movement.

87,981. Was there anything in the programme of the League which referred to landlordism or independence of the landlord garrison?—No, there was not.

87,982. I would remind you of the resolutions in America, and remind you of the arguments that you used to get the Fenians to join in America?—Yes.

87,983. You have assented to my views, not adopted the language?—Yes, you are generally accurate in what you have said about my views.

87,984. Was it not the fear of scaring away timid land reformers that kept the independence and the removal of the British garrison out of the published programme?—That was my view of putting it, but I do not think it fairly or accurately represented what was Mr. Parnell’s view when he drafted that programme. I think it was a *bonâ fide* programme, drawn up by Mr. Parnell, but it was not a programme that I would draw up.

87,985. But it was a programme to which you assented?—Yes, I believe Mr. Parnell commands the majority, or the vast majority of the Irish race, and I have no right to thwart his movement.

87,986. Can you suggest anything else that was left out which would scare away the timid land reformer?—I do not know that Mr. Parnell left anything out to scare anybody away. He drew up that programme, and he invited as many Irishmen as possible on to his platform.

87,987. I do not want to repeat the language:—

“The organizers of the Conference had to consider the advisability of framing such a programme as would not ‘scare’ any timid land reformer away from the projected movement, and it was further considered necessary to render it eminently constitutional, for the double purpose of legal protection against the Castle, and to enable Members of Parliament to defend it within the House of Commons. What, then, was the principle upon which the Land League was



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“founded? I maintain that it was the complete destruction of Irish land—  
“lordism.”

Those were my views then, and they are my views now, only other Land Leaguers had views of their own, which differed from mine.

87,988. You have not the least limited that to any statement of your own views, you have stated it as a broad principle, of what the ground of the organisation of the Land League was?—I am afraid I have to accuse myself of exaggerating my own importance occasionally in the Irish movement.

87,989. In this case I do not think you were at all exaggerating, but minimising it?—I think I was.

87,990. I want the “Freeman’s Journal” of the 1st November 1879; I will just get this in passing, you had become the agent of both the “Irish World” and “Boston Pilot”?—No, I became the correspondent, and subsequently, of about a dozen American papers.

87,991. I want to know had you secured in America, on your first visit, the allegiance and support of any other paper except the “Irish World” and the “Boston Pilot”?—I do not know that I tried to secure the allegiance of any paper; I met the editors of some Irish-American papers, and I possibly discussed with them the policy I was proposing.

87,992. Can you name any two other American papers which in 1879 you secured as supporting you, besides the “Boston Pilot,” John Boyle O’Reilly’s paper, and the “Irish World,” Patrick Ford’s paper?—I do not know that I secured the support of any paper in the sense in which you put the question; I have already said that I may have spoken to the editors of several Irish-American papers about the policy I was proposing.

87,993. Do you remember Dr. William Carroll issuing an address in October 1879?—No, I do not.

87,994. Which was published in the “Freeman’s Journal” of the 1st November 1879?—I have no recollection of any address ever having been issued by Dr. William Carroll; it is just possible it may have been done without coming under my notice.

87,995. I call your attention to the manifesto of William Carroll, Thomas Clark Luby, John J. Breslin, Thomas F. Bourke, James Reynolds, and John Devoy, published in the “Freeman” of the 1st November 1879?—That is a manifesto by several people—I am not trying to catch you, Mr. Attorney.

87,996. That is the distinction, is it?—I had no recollection of any manifesto by Dr. William Carroll, but I have read several manifestoes in the “Irish World” signed by those very names.

87,997. I call your attention to these names as being the names of men with whom you were in immediate connection when you were in America in 1878?—Yes.

87,998. We have got on to November 1879, which is just after the formal formation of the Land League at the Imperial Hotel?—Yes, we are progressing very slowly.

87,999. That is perfectly true; I call your attention to this manifesto. I do not think this is yet in if my learned friends will help me about it. Do you suggest that these gentlemen, Carroll, Luby, Breslin, Bourke, Reynolds and Devoy, were not at that time giving you hearty support?—What part of 1879?

88,000. November 1871, you had written to five of them, and had received back a cheque?—I would say that they were in sympathy with my views then on the Irish Land Question.

88,001. In hearty sympathy?—I do not know, Dr. William Carroll very soon afterwards repudiated the Land League.

88,002. We have heard that very often, we may possibly some time or other see the repudiation, if you say Dr. Carroll did repudiate?—I have it here if you want to see it. I have no recollection of ever having seen that manifesto in the “Freeman’s Journal.”

88,003. That is not my question, I can read it without your having seen it?—I do not object.

88,004. My question is a simple one, were not these six men in hearty accord with you at that date.



[ 3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,005. (*The President.*) Leaving out your word "hearty" he says they were in sympathy with him?—I have said that several times.

(*The Attorney-General.*) I call your attention to this, I will read some passages, my learned friend can read the whole.

(*Mr. Lockwood.*) This I understand has not been read.

88,006. (*The Attorney-General.*) I think it has not; I read some of it to Mr. Parnell, it has not been put in. It is the 1st November 1879.

"The threatening aspect of affairs in Ireland calls for prompt and vigorous action on the part of the Nationalists in this country. It is no time for idle talk, but for serious preparation for the stern work that is before us, the National movement is fast approaching a crisis when its members must be prepared to make larger sacrifices and work with redoubled zeal, so that the hour of trial may not find them unprepared. In view of the change of the situation it has been decided with the concurrence of several of the trusted friends in the National party to enlarge the board of trustees of the National Fund, and to appeal once more to the Irish people here for their support."

That National Fund was the fund to which you previously referred as a fund called the Skirmishing Fund?—The Skirmishing Fund.

88,007. Part of this, my Lord, is already in at page 3980. I need not read more than certain passages.

"The National Fund was started with the view to provide the means of striking a telling blow against England, whenever an opportunity should present itself. Its object was at first distinct from the general movement for Irish independence, and not influenced by any particular crisis in Ireland calling for immediate action. Its originators never calculated that it should perform more than a small portion of the work of driving the foreigner from the soil of Ireland."

Of course that would be driving the Englishmen out?—Yes.

88,008.

"It was intended, in short, to hasten, if possible, the advent of Ireland's opportunity by inflicting injury upon England at vital points and at a critical moment, while showing the Irish people the immense power lying unappreciated in their hands for the destruction of that Empire which has robbed them of land and liberty, and driven them homeless over the earth. The call was responded to chiefly by that class of Irish people in America who can less afford pecuniary sacrifice, and under the pressure of unprecedentedly hard times there was no apparent prospect, except for a very brief period, of England becoming involved in foreign war, no evidence of vigorous political life in Ireland, no unusual danger menacing our countrymen at home; nothing, in short, to stimulate Irish-Americans to unusual activity, and yet, taking all the circumstances into account, the amount subscribed was very creditable."

Then there are a number of paragraphs respecting the foreign landlord system. I should like to have the whole of it printed?—Perhaps it would be as well to read it now.

88,009. Do you wish it all read?—If your object is to make out that it is a manifesto in favour of the land agitation in Ireland I should ask that it should be read, because I deny that it has that object.

88,010. This is a manifesto signed, as you have admitted, by persons who at that time were in sympathy with you?—In sympathy with my personal views on the land question.

88,011. Do you know that this is a manifesto which would appeal to constitutional action?—I do not think it would, but I do not approve of that manifesto, or of the Skirmishing Fund.

88,012. Have you ever expressed disapproval of that manifesto?—I may have read the manifesto, but it had escaped my memory until you began to read it to-day.

88,013. You stated just now that you did not approve of it?—I never approved of the Skirmishing Fund.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,014. Have you ever expressed any disapproval of that manifesto, which was an appeal of these gentlemen to the Americans to support the National Fund?—No. I had no recollection of the manifesto in question until you read it, therefore I could not have repudiated it, I may have read it at the time, but I have no recollection.

88,015. I think it ought to be read. I do not want to trouble your Lordships to listen to it if it may not go upon the notes. What I want to draw attention is this, it is a manifesto attacking landlords?—I think its object is not that—that comes in incidentally.

(*The President.*) After all, what are you going to ask Mr. Davitt in reference to it?

88,016. (*The Attorney-General.*) The question I was going to ask Mr. Davitt was this, whether or not that manifesto, being issued by these gentlemen at the time, Augustine Ford being the Secretary, whether Mr. Davitt suggests that is a manifesto inviting to constitutional action?—

(*The President.*) Mr. Davitt has answered that question, that it was not. And it would be calculated to injure any movement I started in Mayo. I look upon it as one of the many usual bombastic manifestoes issued in America, which have done nothing but bring ridicule on the movement.

88,017. (*The Attorney-General.*) I call your attention to the names first of all which were published in the "Freeman's Journal"?—Copied, I suppose, from the "Irish World."

88,018. And the "New York Herald." As a matter of fact, I should like this to appear *in extenso* on the note.

(*Mr. Lockwood.*) At present I do not see why it should.

(*The President.*) At present I do not see why it is evidence. You asked him whether he saw it, and he said he did not.

(*The Attorney-General.*) No, my Lord, he said he did not see it.

(*The Witness.*) I said I had no recollection of it; but as a general reader of the "Freeman's Journal" I may have read it.

88,019. (*The Attorney-General.*) As a matter of fact, it is evidence, being in the "Freeman's Journal"—was the "Freeman's Journal" a Nationalist paper at this time?—Yes, but it was opposed to the Land League in 1879.

88,020. When did it become friendly?—Very soon after; we had a quarrel with the late Mr. Dwyer Gray—doubtless there were faults on both sides. He subsequently became a warm supporter of the Land League policy, but subsequently to that there was a quarrel between him and myself, and I was boycotted; my name was not to be printed in the "Freeman's Journal" at that time.

(*The Attorney-General.*) I have some of it in at present, but if your Lordships think the whole of it should not appear I will leave it. At present it makes no difference to me whether the whole appears or not.

88,021. Now you became agent to the "Irish World" or correspondent to the "Irish World" on the 31st October 1879, I think?—About that time I began to write letters to the paper.

88,022. Were you appointed by any letter, Mr. Davitt?—Very likely Mr. Ford may have written to me and asked me to write him letters?—I have no distinct recollection.

88,023. Do you happen to have the letter?—Indeed, I have not.

88,024. You were appointed by Mr. John Boyle O'Reilly, as we know, on the 31st October 1879?—Yes, I think I only wrote one or two letters to the "Boston Pilot."

88,025. On the 31st October 1879 you said you wrote at that time for the New York "Irish World." I wish to know how long you continued to write for the New York "Irish World"?—I think about the time of my visit to America.

88,026. When?—In 1880.

88,027. Had you written one or two letters after your return from America at the end of 1880?—As well as I recollect I wrote about 12 letters, and eight or nine cable letters, and I have succeeded in copying some of the cable letters from a defective file of the "Irish World."

88,028. At that time you were agent, were you not constantly receiving the "Irish World"?—Yes, I think it came very regularly to Ireland in 1879 and 1880.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,029. I will call your attention to your telegram of the 5th May 1880, 3655, already in.

"Copies of the 'Irish World' shall be sent to all parts of Ireland. Bishop Moran of Ossory (a nephew of Cardinal Cullen) denounced it and the Land League. May Heaven open his eyes to the truth. Spread the light."

Did you send that telegram?—I do not know I used the expression "spread the light"; very possibly I did.

88,030. At any rate that telegram appeared in that newspaper with your name on it?—I cannot repudiate it. I do not think Mr. Ford would put anything over my name that I had not written myself.

88,031. Were you acquainted with the use of the words "spread the light" in that paper?—Yes, it meant scattering copies of the "Irish World."

88,032. Had you also been aware of the use of that word by "Transatlantic" in many of his writings up to that date?—He was constantly using it in his letters. I do not know that I remember reading that.

88,033. Did you know "Transatlantic"?—No, I never met him.

88,034. Did you approve of his writings in the "Irish World"?—Indeed I did not; I did not approve of a great deal he wrote—it was criminal and foolish.

88,035. If you did not approve of what he wrote why did you go on stating that the "Irish World" should be sent to all parts of Ireland to spread the light?—I meant that the "Irish World" should be circulated among the peasantry on account of its tone of personal independence, which was very much needed in Ireland as the peasants were the abject slaves of their landlords; and then it advocated my views of land naturalization.

88,036. You were advising the peasants that they should read the parts that "Transatlantic" wrote?—Very likely I would, but I certainly did not ask it to be circulated that they might read what "Transatlantic" wrote.

88,037. I call your attention to the words "spread the light," which were used by "Transatlantic"?—He might have used them in a totally different sense to what I did.

88,038. You think "spread the light" as used by you, and appearing in the body of the "Irish World" by you, would not be understood by the reader as referring to the other parts where "spread the light" was used by "Transatlantic"?—Certainly not; the Irish people know I have well-defined views and my convictions, right or wrong, are expressed by me as well as I can in speech and letter.

88,039. You say the Land League had nothing to do with this distribution of the "Irish World"?—Not so far as the distribution in 1879 and 1880 is concerned; I think I bore the expense out of the money to which I refer: the money that was sent to me by Patrick Ford and John Devoy.

88,040. Do you represent that the evidence with reference to the "Irish World" being sent to a number of the local secretaries of the Land League branches is untrue?—No, I believe that these parcels may have been sent by my direction.

88,041. Sent by your direction to the Land League secretaries?—Well, I do not think they were sent exclusively to Land Leaguers, they were sent to land reformers, priests, and ministers, and to people that we wanted to convert.

88,042. Whether exclusively or not, if you desire to sever the Land League from the circulation of the "Irish World" and say it was your individual act, why did you select the Land League secretaries to send it to?—The Land League secretaries are Irishmen as well as Land Leaguers, and I sent them to Irishmen, not Land Leaguers.

88,043. Did you get them stamped for "free distribution"?—No, I think they were stamped before they came.

88,044. Do you represent that?—I have no recollection. I never saw one stamped "free distribution" to my knowledge, until I saw it in Court.

88,045. In what office were the parcels, when they came, broken up into smaller parcels and sent off?—I think Mrs. Keogh, who was agent for the "Irish World" in Bolton Street, did it sometimes; and the correspondent, Mr. O'Neill Larkin, I think he did it on one occasion.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,046. Was it done at the Land League office?—It may have been.

88,047. Do you represent you do not know one way or the other?—I have no recollection. I am not going to deny that parcels were sent at my request.

88,048. Sent to various parts of Ireland at your request?—Very likely.

88,049. Now, did not that go on for something like a year or 18 months?—Oh, no.

88,050. For how long?—I do not think it lasted more than three months to my recollection.

88,051. Will you undertake to say that?—I will, as far as I remember.

88,052. What time do you say it lasted those three months?—I think through the latter part of 1879, or early in 1880, before I went to America. My recollection does not enable me to be more accurate than that.

88,053. I understand you do not know how it was being distributed after you left for America?—No, I did not know it was distributed.

88,054. You left no directions?—No, I left no directions and took no part in its distribution after my return.

88,055. Now, is there any book or account which will show us where this money was paid, which you say you paid for postage and cartage?—No, I have no book whatever. I paid it out of the fund sent to me by Patrick Ford and John Devoy, and it was ultimately sent back as I have stated.

88,056. You did from time to time receive some money from the Land League, we know?—From the Land League. I received money from the Land League?

88,057. Yes?—What for?

88,058. Did you not receive money from the Land League?—For personal services?

88,059. Did you not receive money from the Land League?—Well, I was in charge of the Land League. I paid the clerks their salaries, and I paid the expenses of organizers.

88,060. During what period did that relate to?—The latter part of 1879 and 1880, and after my return from America in 1880 and the beginning of 1881 before I was arrested.

88,061. Have you any document, bills, or anything to show us how this distribution of the "Irish World" was done by you as a personal matter and not paid by Land League moneys?—Indeed, I have not; my papers were all scattered when I was arrested.

88,062. Will you undertake to say you did not charge it?—I will undertake to say I did not charge the Land League a penny for my services for the distribution of the "Irish World."

88,063. I said will you undertake to say that no part of the distribution was paid for by Land League monies?—No part of the distribution was paid for by any person except by myself.

88,064. Was the "Irish World" paid for?—No, it was sent gratuitously by the proprietor to Ireland owing to The Spread the Light Fund.

88,065. Had you any particular reason for not charging the expenses to the Land League?—There were many members of the Land League executive who differed as wide as the poles asunder from the teaching of the "Irish World," and we would have no right to take the Land League funds for that purpose.

88,066. You deny that your name was connected with the Land League from beginning to end as long as the Land League lasted?—It would be very natural for you to infer that because I distributed this "Irish World" that therefore the Land League distributed them; it would be a natural inference.

88,067. Do you mean to suggest any person in Ireland would draw a distinction between an act done by you, and an act done by the Land League?—I think so.

88,068. At that time?—At that time.

88,069. Did you ever yourself pretend to be acting on a different platform from them?—No, not until I was separated from them.

88,070. I remind you that these were sent out from the Land League office?—I am saying you may be right in that. I may have had some of the papers sent by a Land League clerk from the Land League office; it is very likely I have.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,071. Mr. Quinn was secretary of the Land League, was he not?—Yes, after all the other secretaries had been put in prison, Mr. Quinn became the secretary in turn, and went to prison in turn also.

88,072. I call your attention to the 2nd July 1881, a telegram from Mr. Quinn:—

“We appeal to the lovers of liberty and sympathisers of suffering humanity to send the ‘Irish World’ to Ireland. The success of the cause is to be measured by the extent of the acceptance of its principles. When the ‘Irish World’ is read in every hamlet, in every county, it will be beyond the power of earth and hell to perpetuate the landlordism in Ireland.”

88,073. (Mr. Lockwood.) Is not that when Mr. Davitt was in prison?—It makes a great difference to me.

(The President.) The question is whether the distribution was to be regarded as his own individual act or the act of the Land League?

88,074. (The Attorney-General.) Yes?—My Lord, I assume Mr. Quinn at that time was acting as correspondent for the “Irish World,” as I was at the end of 1879 and 1880, and that Mr. Quinn may have had something to do with distributing the “Irish World,” as I had.

88,075. Mr. Davitt, to-day, for the first time, it has been suggested by you that this act of circulating the “Irish World” was your act and not the act of the Land League?—Over the period to which I refer.

88,076. If that is so, how do you account for Mr. Quinn, the secretary, telegraphing to send the “Irish World” to every Irishman, and that the success of the cause was measured by the extent of the acceptance of its principles?—A man might be acting as secretary for the Land League and acting as correspondent for a paper at the same time.

88,077. It is at page 3,379, already in evidence. Do I understand you to say you also divide Mr. Quinn into two corporate capacities?—No; I am trying to explain what I think would be Mr. Quinn’s motive in advocating the circulation of the “Irish World.” He was its correspondent after I had been sent to prison. A man who is a correspondent of a paper takes an interest in it and is very anxious to increase its circulation. Doubtless Mr. Quinn believed in the circulation of the “Irish World” among the Irish people.

88,078. Do you represent the Irish people distinguished between Mr. Quinn as secretary, and Quinn as an individual?—I do not know that Quinn did send it out as I did. That telegram calls upon people in America to send it to people in Ireland. Tens of thousands of copies came to individuals in Ireland, sent by their relatives in the United States.

88,079. Are you aware of Brennan’s telegram?—He was correspondent after I was in prison; and then he was put in prison, and Mr. Quinn became correspondent; and after he was imprisoned someone else. I am assuming all these acted in the same way I did, on their individual responsibility. I do not believe one penny of the Land League fund was expended in circulating the “Irish World” in Ireland.

88,080. (The President.) Have you in your mind that one witness has said the postage was paid?—Perhaps, my Lord, he may have referred to what I have stated that I paid for the postage.

88,081. He said it was paid out of the Land League funds?—That must have been when I was not there. I had no knowledge of it.

88,082. (The Attorney-General.) You were in Court when that witness was examined—the witness Farragher?—Do not take me as agreeing with what Farragher swore. I know he swore what was not true in reference to myself.

88,083. You were in Court when he was examined?—Yes, and I disbelieved his evidence.

88,084. Do you remember the obituary notice of Transatlantic in the “Irish World” of 1888?—No, I do not. I may have read it, but I do not remember it.

88,085. Do you remember the statement of Transatlantic having sent 40,000 copies of the “Irish World”? I will read this to you:—

“The Irish agrarian movement which resulted in the Irish Land League, owes more to Transatlantic than to any other man, living or dead.”

Do you remember reading that?—Yes, and it is unmitigated rubbish.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,086. It is in Ford's paper?—No matter.

88,087. "Into that movement the 'Irish World' threw itself with all the energy it was able to command. That energy manifested itself in 'The Spread the Light' work. Every week 44,000 copies of this paper were sent to do missionary work across the sea. Every cabin in the island was ablaze. But the impulse to that work was the effect of the inspiration derived from Transatlantic?"

—That is manifest exaggeration. Mr. Transatlantic is now dead; but he was not overburdened with modesty. He is dead now.

(*The President.*) I thought you called that the obituary article.

88,088. (*The Attorney-General.*) I did. I call your attention. It is not sounding his own praise; it is an obituary notice. You can scarcely attribute that to his overwhelming pride?—Well, he praised himself first, as he generally did, and then praised the "Irish World" afterwards.

88,089. I call your attention. I do not want to keep this particular point up longer than is absolutely necessary, but I call your attention to a telegram also in evidence at page 3384 from Hishen. Do you know Daniel Hishen?—Yes, I know Mr. Hishen.

88,090. Was he ever the agent of the "Irish World"?—Not to my knowledge.

88,091. Did you know of his telegraphing or asking for "Spread the Light," to supply Irishmen with the "Irish World"?—I never heard it before—many things occurred while I was in prison. I know nothing about it.

88,092. You have said in your examination-in-chief that all this "Irish World" was your own, and nobody else's?—I did not say that. I told you what I had done myself in circulating the "Irish World."

(*The President.*) Where is this last telegram?

(*The Attorney-General.*) 3384, my Lord, I am told.

88,093. To whom was that last telegram sent?—That was sent to the "Irish World."

88,094. Did you take any steps to get the secretaries to write spontaneously for the "Irish World." I mean the secretaries of the Land League?—What for.

88,095. For the "Irish World"?—No; I think on one or two occasions in America in public speeches I asked the readers of the "Irish World" there to send the papers to their friends in Ireland after they had done with it.

88,096. Now, as I understand, your action was of two kinds: circulating it yourself, and pleading for its circulation?—During a limited time.

88,097. During three months, or a limited time—asking the readers of it to send it over when they had done with it?—That was while the "Irish World" was supporting the Land League policy and when it had abandoned the advocacy of physical force.

88,098. Up to the end of 1882, or the beginning of 1883?—I think I wrote up to 1879 or 1880.

88,099. You stated it abandoned advocating the Land League at the end of 1882, or the beginning of 1883?—Yes.

88,100. That was your statement?—Yes.

88,101. The period when you yourself was party to the sending of it, was the end of 1879 or 1880?—Yes, the period of my imprisonment intervened; I do not know what it was advocating at that time.

88,102. Are you aware that upwards of 500 names of the members and secretaries of the local branches of the League—secretaries or members of the Land League—are put in the columns of the "Irish World" as asking for copies to be sent to them or acknowledged for?—It is very likely, probably Mr. Ronan knew them all.

88,103. Do you think that is a proper answer, that probably Mr. Ronan knew them all?—Well, I am not aware of 500 secretaries.

88,104. Are you aware that the names of individuals to the number of 500 appeared in the year 1880 or 1881 asking for or acknowledging copies of the "Irish World"?—I was not aware of it before you drew my attention to it.

88,105. If your statement is correct that you were the only person during that time who obtained the circulation of the "Irish World," can you suggest where or by what means the editor of the "Irish World" got all those names?—I believe those individuals may have written to the "Irish World" for copies. Possibly, their relatives in the United States may have sent their addresses to the "Irish World," seeing the object of "Spread the Light Fund."



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,106. I am putting to you, there appears in the columns of the "Irish World" in the years 1880 and 1881 upwards of 500 signed letters from persons in Ireland, many of them secretaries of the Land League, acknowledging copies or asking them to be sent?—I do not say that letters would not be sent.

88,107. I mean spreading over the periods for 1880 and 1881, names of various persons with the letters sent?—That is very likely.

88,108. You cannot suggest how those got over?—Except the way I mentioned awhile ago. They may have written. These very people in America may have sent them to the "Irish World." No list of secretaries or persons was ever sent out to the "Irish World" from the Land League—at least, not to my knowledge.

88,109. You went back to America in 1880?—Yes, in May 1880.

88,110. You were received again by a number of leading Nationalists, were you not?—I attended the Joint Land League Convention in America the very day of my arrival.

88,111. Did you find there a number of leading Nationalists whom you had previously seen on the last occasion?—Yes, and a large number whom I had not previously seen, that Mr. Parnell had seen on the occasion of his visit.

88,112. J. J. McCafferty, was he president of the Convention?—He was elected president.

88,113. Was he a member of the Clan-na-Gael?—No.

88,114. Do you say that?—I do.

88,115. At no time?—At no time to my knowledge. He was a lawyer of Lowell, belonging to the Conservative section of the Irish Nationalists.

88,116. I understand you to say that James J. McCafferty never was a member of the Clan-na-Gael?—No; his only qualification for being president was, as was previously mentioned, that he was the handsomest man in Massachusetts.

88,117. Mr. Purcell of Rochester. Did you know him?—Slightly.

88,118. Was he a member of the Clan-na-Gael?—Not to my knowledge.

88,119. The Rev. Lawrance Walsh, treasurer?—Oh, certainly not.

88,120. William Carroll?—He was an Extremist.

88,121. James Paterson?—No, I do not know anything of him.

88,122. James O'Reilly?—I do not know anything about.

88,123. P. K. Walsh?—Walsh is a very common name in America.

88,124. Do you know that individual?—I knew P. K. Walsh of Cleveland, he was an Extremist.

88,125. And M. E. Walsh, of Providence, Rhode Island?—I do not know anything of him.

88,126. The only ones you are able to say you have known have been William Carroll and P. K. Walsh?—Yes, there must have been other Extremists. I think there would have been about 100, and possibly one-third of them might have been Extremists.

88,127. I wish to know in reference to that period of time. I am sorry to occupy so long about this. May 1880, was not the destruction of landlordism then commenced, as the plank, the main plank, of the Land League platform?—I always put it so.

88,128. Mr. Dillon was a leader of the Land League?—Oh, yes.

88,129. I remind you again that the destruction of landlordism forms no part of its published programme?—The abolition of landlordism does; it amounts to the same thing. By destruction is meant the abolition of the same system.

88,130. We will not quarrel about terms. I will take your answer. I will call attention now to the 29th of May 1880. Have you got any copy of Mr. Dillon's speech there; you did not produce that yesterday?—No, I told you I had not the "Boston Pilot" report of my speech, but you would find it in the "Irish World" report.

88,131. I call your attention to Mr. Dillon's speech, which I must read from page 136 of Cashman; that is the only report I have at present?—I have a copy of the "Irish World" somewhere. I would like you to read the whole of the speech as Mr. Dillon is not here.

88,132. I will read so much of the speech as is necessary, and will deal with it afterwards.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,133. (*The President.*) What is the date?(*The Attorney-General.*) 29th of May 1880, it appeared the 5th of June.

—That was the date of the report.

88,134. 5th of June 1880?—I gave the date of the Trenner Hall convention.

88,135. A small portion of it I think is in, a very small portion, at page 3305. It was read by Sir Henry James, or by Mr. Atkinson. I must ask you to listen to this with reference to some of your answers given to-day.

88,136. (*Mr. Lockwood.*) Where was it given?—At the Trenor Hall Convention.88,137. (*The Attorney-General.*) Mr. Davitt gave the evidence about it yesterday. I asked at the time; and you were good enough to say you had got a copy, but had not got a copy of it with you?—No, it is in the "Irish World" report.

88,138. "My first duty is to thank this Convention for the privilege of being present."

This is John Dillon.

"I feel proud to find so many able and intelligent men earnestly working to help in destroying landlordism. This movement extends from Dublin to San Francisco. It is a good omen that it will succeed when it reaches out so far, and interests so many, and a sign that it will not fail like other movements. I am happy to say that the Land League movement in Ireland is in capital hands and trim, having a series of successes during the past six months. But these successes are only indicative of what is to come. While satisfied with them, we cannot still be content. We have succeeded all along the line, and what we have already done is a guarantee of what the future has in store. By your action to-day you have widened the programme outlined by the Land League in Ireland, but although we omitted the industrial question of the movement, it was not because we were unaware of it or of the evils which Ireland's commerce suffers through any loss."

I would call your attention to the two next paragraphs:—

"I can assure you now that the addition which you have made to the platform to-day will be accepted by the Irish people on the other side. As the movement for the abolition of the Irish landlord system was first started here, I am glad that this later addition to it is made here also."

Do you remember that passage in Mr. Dillon's speech?—I remember reading it in his speech, and doubtless it occurred therein, but I cannot recollect listening to the words.

88,139. You mean you remember reading the report afterwards?—Yes.

88,140. "I thank you warmly on behalf of the Irish people and the Land League for the magnificent support." I am not sure it is not your own speech?—Possibly it is. It sounds very much like it.

88,141. I think you must remember it. The point of it is with reference to what I was putting to you?—I am rather glad to say, Mr. Attorney, I cannot remember all the speeches I have delivered.

88,142. It is my fault entirely, and not yours. I call attention to it with reference to the evidence you have given this morning. "As the movement for the abolition of the Irish landlord system was first started here." Did you not refer (if it be your speech, as I think it is, now my attention is called to it) to what you had done on your visit in 1878?—The Irish-Americans, without an exception, attributed the inception of the Land League to my speech in Boston, in December 1878, and I assume I used those words, and if I did, I must have been referring to that speech and to the prevalent feeling in America about that speech.

88,143. But I must ask you, Mr. Davitt, is it not true? You meant to state what was true, did you not?—Well, I do not think it is literally true, because I had not consulted Mr. Parnell at the time I made that speech, and Mr. Parnell had chiefly to do with the organising of the Land League in Ireland in October 1879.

88,144. I must repeat my question. I am referring to the movement for the abolition of the Irish landlord system first started here. I have already read to you this morning speeches made in 1878, in which you spoke of the Irish landlord system as the English garrison, and of driving them out?—Yes, I must have referred to my speech



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

in Boston. It was generally referred to by Irish-Americans as the inception of the Land League movement.

88,145. "I thank you warmly, on behalf of the Irish people and the Land League, for the magnificent support you have given them in the past, and for your generous preparations for the future. With such aid we will soon dispose of the greatest enemy to Ireland's welfare and progress. The organization of land leagues is now going on rapidly in the four provinces, and I am happy to say that the farmers in Ulster are following the example of those of Leinster, Connaught, and Munster in the grand work. The plan we work on is simple. We resort to every fair means to pull down and destroy the tyrant landlordism, and to trample it in the dust of its own rottenness. We cannot do it by parliamentary action alone, and we don't propose to confine ourselves to that means. What we propose is that the action of our men in Parliament shall be the reflex of the work going on in Ireland. It is an action of no compromise; and no man going to the House of Commons can say that our people will be satisfied with fixity of tenure, or other mild reforms.

"There are two means which we pursue to accomplish our end. The first is a policy of destruction by hammering against landlordism. We are satisfied with nothing but its total abolition. In the House of Commons we pursue a constructive policy, so that you will be able to reconcile the speeches in Ireland against landlordism, and the speeches in the House which might not seem to be in keeping with those delivered by members of the same party in Ireland. If a landlord evicts a tenant, then the Land League takes action in the courts against him; and in every case, so far, we have won a victory. I don't think, in the face of the feeling prevailing at present in Ireland, that many wholesale evictions will take place, and I don't think a Liberal Government could afford to permit them. We aim to impress the farmers with the necessity of refusing to take any farm from which another tenant has been evicted, nor to bid for any cattle sold for rent. As an instance, a farmer named Reddington had his cattle seized for rent; but previous to the seizure he branded their horns with the words 'rack rent.' When the sale took place there were few bidders, although many persons attended; and the cattle were sold for one-third of their value.

"In conclusion, let me say, gentlemen, that the people of Ireland are full of confidence in you, and I think, from what I have seen here to-day, that they will not be mistaken. I can pledge to you their warmest gratitude for the sinews of war which you have furnished them to fight their great battle."

Do you remember that speech?—Yes, I delivered that speech; but I do not think it was a very accurate description of the work which was going on in Ireland.

88,146. Whether accurate description or not, is it a fair report of your speech?—Well, I do not say it is a very accurate report.

88,147. Is it fair?—But I am not going to repudiate it. I do not think I could possibly have meant to convey that Irish Members of Parliament would act one way, and speak one way in the House of Commons, and act in a different way and speak in a different way outside. That would be very unjust to the Irish Members, and I want at once to say, if I used that language I must have misrepresented them.

88,148. If there is any mention of the report in the "Irish World" I will put it in. I will not force my friends in any way to put it in. I have read it verbatim from Cashman?—Very likely you have read it as it was written down at the time. You know, Mr. Attorney, in America the weekly papers have no stenographic reporters, and very often many of the speeches I delivered in America were taken down in longhand.

88,149. That seems to be a very consecutive report, at any rate?—Well, I think it is a very stupid speech.

88,150. Now, I remind you with reference to what you have said about your speeches. I call your attention to your speech already in evidence at page 3308?—Where was it delivered?



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,151. I think it is the same occasion as when Mr. Dillon spoke about breaking up the constabulary, I think it is New York. The 5th June 1880 is the report?—Would that be at the same Convention?

88,152. I should think not. It may be though possibly. This report is from the "Nation"?—I never read it in the "Nation."

88,153. I call your attention to this passage:—

"In sight of some Munster hill, or Connaught stream, or Ulster plain, at this very hour, some members of the Dublin Land League are holding forth on this same question, holding out hopes to those in Ireland of the moral support they will receive from you, and that the day is fast approaching when this cursed remnant of feudalism will be swept away, and Ireland's rights regained by Ireland's own children. This public instruction by public meetings, this organisation in every parish in every county in Ireland, will be carried on there so long as it will be necessary to organise the one and maintain the other. These great doctrines will be promulgated from the platform and in the press whenever and wherever landlordism is to be struck down and the rights of the people asserted. We have men in Ireland of courage and consistency to carry on this fight. If one be struck down 20 will spring up to take his place. At last we have got a movement in Ireland that must succeed and overthrow the first garrison of an alien and hostile Government."

88,154. Your speech?—Well, I do not. If you will tell me where it was delivered, I may possibly recollect it.

88,155. It is already in evidence?—How could the speech be put in evidence?

88,156. A report of the speech, of course, I mean has been put in evidence?—As you found it in the "Irish World," I suppose?

88,157. Either the "Irish World" or the "Nation," I forget which. The "Irish World," I think?—The "Nation," in Dublin, could not report a speech I delivered in America.

88,158. It is in the "Irish World"?—Is it at Jones' Wood?

88,159. (*Mr. Lockwood.*) Yes?—I remember speaking at Jones' Wood. I do not think you have read it all.

88,160. (*The Attorney-General.*) No. I am quite willing to read it all, of course?—I think I made some reference in that speech, which I recollect now to the Land League movement being a movement which invited all Irishmen upon one platform.

88,161. It may be so, but I want particularly to call your attention to this. I have reminded you that we allege, rightly or wrongly, that this destruction of the Irish landlords was the theme or principle which you originated in 1878?—That is the Irish oratorical way of saying the abolition of landlordism.

88,162. You have made mention of that more than once. I have no objection to your making it again, but you do not follow my question. I have reminded you that the destruction of Irish landlordism was the theme which you started in 1878?—That was my view.

88,163. That which you said in 1884, was the plank of the Land League when it was founded in October 1879?—From my point of view.

88,164. I remind you that when you speak in 1880—that is when you go back to America to enlist the sympathy of the people for the Irish Land League—you again refer to that?—I again expressed my own views and convictions, as I have always tried to do; but I never spoke for anybody else but myself.

(*Mr. Lockwood.*) May I ask you for the reference you gave in Cashman.

(*The Attorney-General.*) I have no report of the speech.

88,165. Mr. Lockwood asks me to ask whether or not there is any other report of the speech reported in Cashman?

(*Mr. Lockwood.*) The first one which you recognise as being used?—At the Trevor Hall Convention. I think you will find a report of it in the "Irish World."

88,166. What date?—About the 29th of May or June. Perhaps the 29th of May. I think that is the date of the report in the "Boston Pilot."

(*The President.*) Yes, it seems to have been fixed upon as of the 29th of May, at page 3305.

88,167. (*The Attorney-General.*) There is one matter which I think in fairness I ought to put to you. Do you remember the controversy in which it was said that you



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

had alleged, in the presence of Mr. Redmond, that you got the money from Patrick Ford, and not from John Devoy?—Yes, I was mistaken in that.

88,168. But you did say it?—Oh, yes. My memory was confused over the matter, and I corrected it the following day.

88,169. But you gave the reason also at the time—because you thought the English Government would lose —?—No; I did nothing of the kind.

88,170. That was untrue?—I did nothing of the kind. I have concealed nothing about it at all. I published the whole facts in 1882, as I have given them from this box here. I have nothing to conceal about it or to be ashamed of.

88,171. I must ask whether or not you contradict this as being a true statement of what you are said to have said?—I do not think I said that. I have no recollection of ever saying anything of the kind, because I had nothing to conceal from the British Government; otherwise, why should I publish the whole thing.

88,172. I am not reasoning with you. A statement is made that in the presence of Mr. William Redmond he simply said it would be better to have the British Government believe he had received it from Patrick Ford, a man who had given up his connexion with the Skirmishing Fund, than from John Devoy, who was still connected with it?—I think that is self-contradictory. The English Government thought Patrick Ford a much more dangerous name than John Devoy at that time.

88,173. In 1879?—Yes, from his connexion with the Skirmishing Fund.

88,174. In 1879?—Not in 1879 but in 1878.

88,175. I am putting 1879?—In 1879 Patrick Ford had ceased to advocate the Skirmishing Fund, but he was still the editor of a powerful paper in America, and was a much stronger man then and ever since than John Devoy.

88,176. You have drifted into argument. You have not followed me. Did you or did you not say in the presence of Mr. Redmond that you substituted the name of Patrick Ford for the name of Devoy?—Certainly not, I said nothing of the kind.

88,177. That is untrue?—Utterly untrue. I would not consciously do anything so mean as that. I had nothing to conceal about it.

88,178. Consciously or unconsciously is not the point?—It is not true. I never said anything of the kind. It would not be true if I said so.

88,179. That is your answer?—In the public interview I explained that the matter had slipped my memory, and that I had made the mistake which Mr. John Devoy called my attention to, but you will not find any language of that kind in that interview.

88,180. You have at times made speeches against land-grabbing, Mr. Davitt, have you not?—Oh, yes.

88,181. Your theory is, I understand, that the taking of evicted farms is a crime?—My theory is that the taking of a farm out of which a man has been evicted is in every instance in Ireland the stealing of that man's property, and then I know that this covetousness on the part of tenant farmers leads to agrarian crime and disturbance.

88,182. I have not interrupted you, but I think I must ask for an answer. When you say stealing a man's property you mean a crime?—What the feeling of the people consider is very wrong—very unjustifiable.

88,183. That is your view?—Certainly, not a crime from the point of view of the law.

88,184. Now I must call your attention to a report of your lecture at the Boston Music Hall on the 10th of July 1880. It is abridged from the "Boston Pilot." If you wish to alter the report of course you can do it afterwards?—No, it is possibly an accurate extract.

88,185. John Boyle O'Reilly introduced you, and said:—

" I remember how, only a year and a half ago, this man came to Boston to meet two or three who had worked in the Irish National field for years, and how he startled them with the new proposition. ' I tell you,' he said, ' the true base of Irish national movements is the land.' "

Was that true? Had you said that in 1878?—I have no recollection. If Mr. Boyle O'Reilly has stated that I said it, I am sure it would be correct.

88,186. It would not be inconsistent with anything you had said?—Not at all.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,187.

"No Irish revolutionist or reformer had struck the vital note before, and, as I said, his hearers were startled. He had thought it out in the years he spent in English prisons, loving Ireland. That the movement was ripe, for the reform was proved five weeks later by the thrilling response, when this man addressed 10,000 tenant-farmers at Balla, in Mayo."

In the course of your speech you said,

"In that period no less a sum than 3,500,000,000*l.* had been stolen from Ireland by the lazy, idle, and morally worthless landlords. Admitted, then, that this system is wrong, the question is, how are we to abolish it? It will not be abolished by mere wishing. Something more is required."

"A voice.—'Money, organization, and bayonets.'"

"Mr. Davitt.—My friend says by money, organization, and bayonets. Well, we have commenced the organization. If organization will not settle the question, and the other part of the advice have to be resorted to, the Irish landlords and the English government must accept the responsibility. In the past the Irish tenant farmers have been divided, or rather no political party came to the front to stand between them and their enemies. They were told that by-and-bye their rights would be regained, but until the tenant farmer could be shown a power superior to the landlords he never placed any faith in the promise that the land would be free. He wanted to see some power which would stand between him and the evicting power of the enemy of his homestead and children. This has now been supplied him by combination among his own class, and hence the determined spirit which has been exhibited by the tenant farmers of Ireland during the past 12 months. The Land League purposes that a branch of its body shall be started in every parish in Ireland, and that the tenant farmers in all those parishes must enrol themselves in that mission to strike down the system. This will be a protecting power to the tenantry in the locality. If the landlord attempts to crush a single tenant, the theory of the bundle of sticks will be put into practice. The next plan in connexion with this movement is the corner-plank of the Land League platform. After 1848 when the peasant class were almost crushed by the exactions of the landlords and the ravages of the famine, they could be easily thrown out, because other farmers would take the holdings; but to-day, from east to west, from north to south, not a man could be found who would dare to take the farm of an evicted tenant."

Did you say that?—Certainly.

88,188.

"If one should be found so recklessly indifferent, it would be simply impossible for him to live in that locality. The people would not buy from him; they would not sell to him; in chapel on Sunday he would have to sit apart by himself; and this spirit has got such a firm hold of the people that I venture to say that to-day there is not a man in Ireland who would follow the example of those of 1848. The vacant farms will remain vacant, and be a standing warning to the landlords that eviction will not pay. But it may be asked, What will become of those who will be turned out on the roadside? Those, thanks to the liberality of our banished brethren on this side of the water, will be cared for. Thanks to your helping hands, the Land League can now protect the evicted families in Ireland. No sooner is a struggling farmer and his wife and children turned out by the landlord than the fact is known to the Land League in Dublin, and they are protected. What can the landlords do under those circumstances? They will not have the satisfaction of seeing their victims starve. Nay, they will not have the satisfaction of driving our people out of the country, or into the demoralising sub-institution of landlordism, the workhouse, if the Land League can help it. This reform is not a novelty in the world. It is something that has been accomplished in other countries—to take the land from an idle and dissolute class, and hand it over to a moral and industrious class. Peasant proprietary has supplanted landlordism in every other civilized



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ country. We have demanded it for Ireland also, and are resolved to work for it in a way that will not admit of failure. We know by bitter past experience how unscrupulous an enemy England is, and we are resolved to sap and undermine her Irish garrison of landlordism, while keeping out of range of our enemy’s guns. After appealing to the audience to push on the Land League movement in Boston, Mr. Davitt resumed his seat amidst loud applause.”

Is that a fair report of your speech?—I think so.

88,189. I will ask you first how long did you remain in America?—In 1880?

88,190. Yes?—From May to December.

88,191. On the same occasion while you were in America did this question of the abandonment of what I may call the preparation for arms, or for physical force, come up at all?—Not to my knowledge.

88,192. Did you on the occasion of that visit on any occasion either ask the Fenians or the extreme party to suspend their operation or to alter their mode of action? I am aware you have said by joining yourself, but I am speaking of direct invitation or request?—I do not recollect.

88,193. Let me call your attention to this. This is a letter which I believe you published in the “Irish World” on the 24th of July 1880. It is already printed at page 3360?—The whole of the letter?

88,194. I do not know about all, but I call your attention to this passage:—

“ The Land League movement is but a temporary one . . . . .  
 “ The land movement, therefore, does not arrogate to itself the task which other  
 “ organisations are, and have been engaged in here in America in working for  
 “ Ireland in another direction.”

What were the other organisations to which you refer in that letter?—I think that would refer to extreme organisations, and that the Land League would not interfere at all with the management of their bodies.

88,195. What was the work in which those extreme sections had been engaged in working for Ireland?—Well, promoting organisation.

88,196. Delivering of arms, distributing arms?—Well, I do not think they distribute arms in America.

88,197. (*The President.*) Not in America?—No.

88,198. (*The Attorney-General.*) “Other organisations are and have been engaged in here in America in working for Ireland in another direction.”

88,199. I want to know what the work was which those other organisations had been engaged in?—Organisations, and military training, probably.

88,200. That would be with a view to ultimate resort to force?—To free Ireland if there is a chance.

88,201. “Nor do its leaders,” that is, the Land League leaders, “desire to interfere with such work, or expect men engaged in it to transfer their exertions from one department of national labour to that of the Land League.” I ask you, what did you mean by not expecting men engaged in this other work to transfer their exertions from one department?—I simply meant that the Land League organisation would stand upon its own basis, and would not interfere with other organisations.

88,202. I put it to you, do you not think that any extreme man or member of any organisation that had been working for the preparation of arms, would consider that as a direct statement by you that he was not expected to abandon that work?—Oh, certainly, he would, because the Irish in America know very well that I have never abandoned my belief in national independence.

88,203. Or in obtaining that national independence, by force if the proper time arrives?—Oh, yes, I have made that pretty clear in recent years, that I have gone in with Mr. Parnell and his movement, and I have been accused for doing so, of having deserted my previous principles.

88,204. Never mind about recent years. I am not referring to 1886 at present. I must press you upon this. I have reminded you of the absence of what I may call any direct invitation, other than by your own conduct, to give up the Fenian practices. I put it to you, in fairness, would not that be considered by any member of the Fenian body in America as being your *imprimatur* that he need not abandon his practices?—It would convey that the Land League was not at all injurious to the cause of complete national independence.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,205. And that the leaders of the Land League did not expect—note—the men engaged in the other work to transfer their exertions from one department of national labour to the other?—That would be true of me, but I would have no right to speak of any other leader.

(*Mr. Lockwood.*) That is not quite a correct quotation. It is “from one department of national labour to this of the Land League.”

88,206. (*The Attorney-General.*) The Land League was the representative of what you would call the constitutional work?—I represented one wing of the Land League, which was called the radical wing, and Mr. Parnell represented the conservative.

88,207. You are importing matter into the answer which does not affect my question. I do not want to lengthen the discussion. I want to give you an opportunity, if I can, of explaining this?—And I want to give as correct an answer as I can.

88,208. You were the representative in America of Mr. Parnell?—I represented myself.

88,209. Do you say you did not represent the Land League?—In 1880, yes, certainly.

88,210. You went out in March?—In May.

88,211. You went out, you stated yesterday, because Mr. Parnell had to come home for the general election?—Yes.

88,212. Do you represent that you would not be understood by the Nationalists in America, as representing the Land League?—The Nationalists of America knew very well that there was a wide difference between Mr. Parnell and myself, both on the national question and the land question. I would be taken as the representative of the Land League, if that is what you want.

88,213. I notice, that as the representative of the Land League, you purport to speak for its leaders?—I had no right to speak for Mr. Parnell in that letter, or on any subsequent visit to America.

88,214. Do you represent that the readers of that letter would not understand you as speaking for the recognised leaders of the League?—They would understand me as speaking for the Land League.

88,215. Can you give any other interpretation, which a reasonable man would put upon that, except that they need not abandon their preparations?—That is the interpretation which any reasonable man would put upon it coming from me; that the Land League was not inimical to movements for the complete independence of Ireland.

88,216. And the interpretation you meant to be put upon it?—Oh, I cannot say; but I wanted to prevent extremists in America from attacking the Land League.

88,217. You stated yesterday, that your principal object was to prevent an attack upon the Land League by the extreme party in America?—Certainly. That was my principal object in going to meetings of the Clan-na-Gael.

88,218. You were at this very time attending meetings of the Clan-na-Gael?—Wherever invited.

88,219. Do I understand that, at the meetings of the Clan-na-Gael, you ever said anything different to that?—No, I think that would about represent what I said.

88,220. Did you at any meeting of the Clan-na-Gael ask them to abandon the preparations for warfare?—At every meeting of the Clan-na-Gael, I asked them to give a fair trial to Mr. Parnell's statement.

88,221. That is not my question.

(*The President.*) We have had it before. I think the result is that in no other way did he do it.

(*The Attorney-General.*) Very well, my Lord, I am perfectly satisfied?—No, by that way and by the way of my own example.

(*The President.*) Yes, that you have said before.

(*The Attorney-General.*) Now, I call your attention to the resolution of the “Committee of Seven” in the year 1882. I am obliged to take this a little out of order of time, because it is in reference to this particular point. Do you recollect the



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

resolution of the Chicago Committee of Seven in the year 1882?—In connection with what?

88,223. Were you at the Chicago Convention in 1882?—No, there was no convention in Chicago in 1882 to my knowledge.

88,224. Was there a Committee of Seven appointed by the Convention of 1881?—I think there was, to call the next convention.

88,225. Did you act with that Committee on behalf of the executive of the Irish National Land League?—When, and where?

88,226. Well, I call your attention to the "Nation" newspaper of the 15th July 1882; I read this to you; you are supposed to have appeared on behalf of the Executive of the Irish National Land League?—There was no such body in existence at that time.

88,227. When?—In 1882. It was suppressed in 1881.

88,228. Whether it be so or not; whether it was supposed to be suppressed or not; I am referring to the body which I understand you were the corresponding secretary of, the Irish National Land League which had this branch in America?—No, there was no Irish National Land League in existence then, and I was not corresponding secretary of any body at that time.

88,229. Let us look at the paper. I think you are only dealing with a matter of form, and not a matter of substance. Were you in America in July 1882?—I was.

88,230. With Mr. O'Connor Power?—No.

88,231. What?—No, I never went to America with Mr. O'Connor Power.

88,232. With Mr. Healy and Mr. O'Connor Power?—No, certainly not. I was in prison when they were in America.

88,233. Were you there with Mr. T. P. O'Connor?—Indeed I was not. T. P. O'Connor and I would get on very badly together anywhere.

88,234. There is not the smallest reason for interposing just for the purpose of laughing. If I have made a mistake, I will gladly correct it?—I did not intend to ruffle your feelings at all. I may correct you if you will let me. It may refer to Mr. Redmond, who went to America in 1882.

88,235. I have not the least wish to catch you on any point. I want to get the facts out?—And I want to help you, if you will allow me.

88,236.

"The following resolutions were adopted at a conference held on Friday week of the executive committee elected at Chicago and the central council of the Land League of America."

(The President.) What is the date of that?

(The Attorney-General.) That is said to be the 15th July 1882.

(The President.) From what are you reading?

(The Attorney-General.) From the "Nation," my Lord, at page 14?—Oh, I remember the conference you refer to. It was the conference in Astor House between myself and a committee of seven which had been appointed at the Convention of 1881 in Chicago.

88,237. That is what I put to you. I put to you that a committee of seven had been appointed an executive in Chicago. I do not want to prove myself right (but to remind you), and that you met that committee of seven in the year 1882?—Yes, certainly.

88,238. Now listen:—

"That for the purpose of carrying out the resolutions of the National Convention held at Chicago and at the convention of the National Land League held at Washington, this conference earnestly recommends that the executive of the Irish National Land League of Ireland be requested to delegate Mr. Parnell and others of their number to meet this body as soon as possible, for the purposes of devising means and perfecting arrangements for a confederation of the Celtic race in America to effectively aid the people of Ireland in their struggle for the freedom of the land and self-government.

"Resolved,—That, as Ireland is now passing through a crisis which strains the moral and financial resources of the people under the merciless reign of coercion and eviction, we earnestly appeal to the whole Irish race to steadily continue their efforts in their several organizations, and to forward ample contributions to enable the Irish people to fight to the end their great battle."



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,239. (*The President.*) I see it is signed by you on behalf of the executive of the Irish National Land League.

(*The Attorney-General.*) :—

“ Boland, Ford, Collins, Wallace, Birdsall, Sullivan, Brown. — Executive Committee of Seven.

“ Mooney, Rev. Lawrence Walsh, Hynes.—Central Council of the Irish National Land League of America.

“ Davitt, on behalf of the Executive, Irish National Land League.”

88,240. Were you not there at that conference representing the executive of the old Land League which had been, as you say, nominally suppressed in 1881?—I could not represent an executive that was not in existence, and I was not commissioned by any of my colleagues on the executive of the Land League to represent them at that conference or any other conference in 1882.

88,241. It is a matter of argument whether you could or could not?—It is a matter of fact.

88,242. (*The President.*) Did you sign yourself in that character?—No, my name was signed to the thing by whoever acted as secretary.

88,243. (*The Attorney-General.*) Who did you represent then?—I represented myself.

88,244. Do I understand that anybody at that period would distinguish you at that time from the other leaders in Ireland?—Oh, certainly. I think I referred in my direct examination to that conference. I think I said to Sir Charles Russell that I had had a consultation in New York with some leading Irish Nationalists as to a plan for the revival of the Land League movement, and when I submitted this plan to Mr. Parnell in London, he declared he would go out of Irish politics if I tried to put it in operation.

88,245. You signed it yourself?—Yes.

88,246. You did not disapprove of it?—Not at all.

88,247. Now I call your attention to it :—

“ We earnestly appeal to the whole Irish race to steadily continue their efforts “ in their several organisations.”

That would represent the Ancient Order of Hibernians, the Irish Republican Brotherhood, and the Land League?—No, it would represent the Land League organisation throughout the United States which were then in existence.

88,248. You say that?—Yes.

88,249. Now Boland, Ford, Collins, Wallace, Birdsall, Sullivan, and Brown were the Executive Committee of seven?—Yes.

88,250. Were they all solely members of the Land League?—I believe some of them were members of other organizations, but they were appointed by a Land League Convention as a Committee of Seven to call the next Convention.

88,251. Was Boland a Clan-na-Gael man?—I do not know; that is I have no absolute knowledge of the fact.

88,252. Do you believe him to have been?—I would rather not answer that question. I have no absolute knowledge, and I could not answer it accurately.

88,253. Do you believe that he is not?—I have explained this morning that there are reasons why at the present time I should not answer a question of that kind.

88,254. There really is no reason of the kind?—There is. There is a hue and cry in America now against the Clan-na Gael.

88,255. I am speaking with reference to the year 1882. Do you believe Boland was not a member of the Clan-na-Gael in 1882?—I had no absolute knowledge of the fact.

88,256. Was Ford a member of the Clan-na-Gael?—Never, nor of any secret society. He never was a member of any secret society.

88,257. Is that Patrick Ford?—Yes.

88,258. Was Collins a member of the Clan-na-Gael?—Not to my knowledge.

88,259. Wallace?—Not to my knowledge.

88,260. You represent he was not?—I know nothing about it.

88,261. Birdsall?—Birdsall is an American.

88,262. (*Mr. Lockwood.*) It is spelt here Bindsall?—It is Birdsall. I think he is a man holding some Government position in Connecticut. He is not an Irishman. He is an American.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,263. (*The Attorney-General.*) That would not prevent him being a member of the Clan-na-Gael. Sullivan?—Mr. Sullivan of Chicago?

88,264. Alexander Sullivan?—Mr. Sullivan, of Chicago, is a well-known extremist.

88,265. Brown?—I do not know anything about Brown. There was a Mr. Brown in St. Louis connected with the Ancient Order of Hibernians. That may be him.

88,266. I have reminded you of your letter which was published in July 1880?—Yes.

88,267. Now, I put it to you, would not that be understood by any of the friends of the extreme party as your agreeing in a resolve that all the organisations should continue their respective work?—All the organisations of the Land League in America which still continued to exist.

88,268. You represent that is how it would be understood?—Certainly.

88,269. Were those resolutions passed with reference to the coming convention of the year 1883?—No, I do not think they had any reference to any coming convention in America.

88,270. It was passed with reference to what I may call the general policy of the Irish question in America?—I think the resolution itself explains what it is about.

88,271. I must go back now, if you please, to the year 1881. Was there an advance obtained at any time for “United Ireland”?—I was in prison when “United Ireland” was started, and I know nothing about it.

88,272. I must ask you, if you please, to answer to the best of your information on the subject?—I have no information at all.

88,273. Do I understand you do not know one way or the other?—No, except what I have heard here and what I may have read in the papers.

88,274. However your information was obtained, I ask you, to the best of your information, was or was not an advance obtained from any fund in America for the purpose of United Ireland?—I do not believe any such thing ever occurred. I believe “United Ireland” was started with funds belonging to the Land League in Ireland.

88,275. Now I call your attention to this question of arms. Did you refer to the question of arms being sent to Ireland while you were in America, in the year 1880?—I have no recollection. Perhaps you will call my attention to any speech you have.

88,276. Do you remember any speech in 1880, at Chicago—in Ogden Grove?—I did make a speech at a demonstration in Ogden Grove, in 1880.

88,277. I call your attention to this passage which is already in at page 3362?—Will you kindly give Mr. Lockwood the date, so that we can see the whole speech.

88,278. The 28th of August 1880.

(*Mr. Lockwood.*) 3362 is the page on the shorthand notes.

88,279. (*The Attorney-General.*) I give you all I have before me. It is on the shorthand notes?—That is possibly the date of the “Irish World” containing the report.

88,279a. This is the report:—

“Davitt alluded to the seizure of the 40 guns by the British constabulary,  
“and declared that the convulsion of horror which grew out of it was because  
“the English Government knew there were men in Ireland to-day absolutely  
“feverish to clutch hundreds and thousands of rifles, in order not only to abolish  
“Irish landlordism, but to consummate the hopes of Irishmen of abolishing  
“something else.”

Of course, that “something else” you meant to refer to the British Government?—Yes; that was one of my exaggerated speeches. That is the meaning which would be upon it. I think it referred to some arms which had been seized on board a Norwegian barque at Cork; I think that was it.

88,280. The “Juno,” I believe, was the name of the barque?—Yes, I think that was it.

88,281. I call your attention to another passage of the same speech:—

“If necessary, he was sure that the hands which now dispensed charity would  
“dispense blows to the enemies of Ireland, and that if the people there were ever  
“in a position to strike a blow for independence, the Order would nobly respond  
“to their call.”



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

Was that "Order" the Ancient Order of Hibernians?—That had reference to an address presented to me by a military company of the Ancient Order of Hibernians in Chicago.

88,282. I want to ask you with reference to that. It has been represented here on some occasions that this was a purely charitably body?—So it is.

88,283. Had they a military department?—Yes, but temperance societies in America have military companies, and religious societies have. The Americans are not afraid to place arms in the hands of their citizens.

88,284. My question is, whether the Ancient Order of Hibernians had drilled companies?—It is not a military organization, but they have military orders attached here and there.

88,285. Drilled companies?—Yes.

88,286. Armed?—Yes.

88,287. With uniform?—Yes; so have temperance societies; so have religious societies, and many other societies in America.

(*The Attorney-General*). I am very sorry, but there is a particular matter I have to call Mr. Davitt's attention to, though I cannot find the reference to it at the present time.

88,288. Did you see Devoy in America in 1880?—Yes; he was at the Trevor Hall convention.

88,289. Did you see John O'Leary?—Yes, I saw Mr. O'Leary in New York.

88,290. Do you remember any discussion taking place at any meeting which you were at as to any application of part of the Skirmishing Fund?—No, I do not remember any such meeting for that purpose.

88,291. I call your attention, if you please, to this extract in the "Nation," Mr. Sullivan's paper, of the 31st July 1880, page 6, third column.

"John Devoy, one of the trustees of the Skirmishing Fund, said:—The substance of the proposal made by the Philadelphia committee is that the trustees shall admit Mr. Crowe and Mr. Brennan as part of their body."

Did you know either Mr. Crowe or Mr. Brennan?—No.

88,292. Neither of them?—Neither of them.

88,293. "or that they shall set apart \$5,000 to be used for a blow against England by persons beyond our control. Both these proposals have been declined by the trustees. We do not recognise the committee as having any authority. We shall take steps to call an authorised representation of the subscribers, and satisfy them that Rossa's charges are confounded. We regard it as an act of treachery that Rossa should have exposed one act of the trustees, which was to take measures to prevent or punish wholesale evictions in Ireland."

Did any measures taken to punish wholesale evictions in Ireland come to your notice?—None whatever. I never heard any such thing. With reference to John O'Leary, I think you have mixed up his name in reference to this Skirmishing Fund. I know no one on either side of the Atlantic who is more opposed to the Skirmishing Fund idea than John O'Leary.

88,294. I did not mix up John O'Leary's name with it?—I thought you did.

88,295.—

"We had made certain preparations with that object, but Mr. Rossa's betrayal of the secret led to the prevention of the plan going into effect. We have in preparation an address in defence of the trustees, which will soon be ready for publication. It was our action with reference to evictions that gave rise to the report that we had used the money for parliamentary agitation in Ireland. Mr. Rossa has no evidence that we have made any such use of the money."

Did that paragraph come to your notice at all at that time?—No, I never read the paragraph, and I never heard of any such action. If there was any such thing contemplated, and if Rossa prevented it, he has rendered one service to the Irish cause which I thank him for.

88,296. You remember speaking at Kansas?—Kansas City? Yes, I spoke once or twice at Kansas City, I think—once in 1880. I do not know whether I spoke there in 1886, or not. I remember well being there in 1880.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,297. Now, with reference to a suggestion I make to you, that throughout you were encouraging the advocates of Fenianism and physical force to make their preparations and bide their time, and that you were only helping on their work. I desire to call your attention to this?—I do not think that is putting it fairly.

88,298. That is my suggestion. I do not say whether you have done it or not; but in connexion with it I call your attention to this extract from your speech at page 3368.

(*Mr. Lockwood.*) What date?

88,299. (*The Attorney-General.*) I think it is the 11th September 1880.

“In addition to that we have, as you have already been told, declared an unceasing war against landlordism—not a war to call on our people to shoulder the rifle and go out in open field and settle the question that is now agitating Ireland, although I am not opposed to a settlement of that nature providing I could see a chance of success,”——

—Certainly.

88,300. Do you remember using that language?—Oh, I very likely used it 20 times, or 50 times; very likely I used it in that speech.

88,301. Do you suggest that that would be understood by your hearers to be an invitation to abandon preparation for what I may call physical force at the proper time?—I do not think it would.

88,302.—

“but for the fourth time during the present century we have tried a physical struggle with England, and instead of hurting England, we have generally hurt ourselves”?

—That is perfectly true.

88,303.—

“Now, I believe it is far better to meet on different ground, and to do battle in a different mode. And in declaring this war against Irish landlords, in not paying rent in order to bring down their garrison in Ireland,”——

—“In England” I think that should be.

(*Mr. Lockwood.*) No, no; in Ireland.

(*The Attorney-General.*) It makes no difference for the purpose of the meaning.

“we know we are doing a proper work. We are preparing the way for that independence which you enjoy in this great American Republic. At present, however, we are engaged in a peaceful revolution.”

I do not suppose my learned friend wants the rest of that read. I wish to read that passage, but I do not want to comment upon it. I am obliged to bring it to your attention.

(*Mr. Lockwood.*) It goes on —

“It is a war of ideas rather than a war of blows.”

(*The Witness.*) You had better read it, Mr. Lockwood, please.

(*Mr. Lockwood.*) Yes.

“It is a war of ideas rather than a war of blows. We put justice, reason, and common sense against theft, tyranny, and barbarism, and we are going to win in the contest. Already we have more than 100,000 enrolled in the League, and it will be increased to over 300,000, and they represent with their families over 1,000,000 of the people. England cannot afford to keep Ireland in this constant state of unsettlement, and we mean to keep Ireland in that state until England shall banish the landlord system.”

88,304. (*The Attorney-General.*) Now, I call your attention that there you have distinctly referred to the physical struggle, and not paying rent in order that you may get rid of the English garrison—that is, the landlord garrison?—Yes; and I there declare it was not a war of blows, but a war of ideas, and I am not aware that a war of ideas is contrary to the spirit of the British Constitution.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,305. That is your speech. By all means let us have the benefit of that. I take you now to September 1880. At that period you were then still advocating what you believed would best promote the Land League policy in America?—Yes, I endeavoured wherever I went to convince men that our movement would do for Ireland all that we required, and I was most anxious to prevent extremists from attacking it.

88,306. I call your attention please to your speech at page 3370. The date is 23rd October 1880?—Where was it please?

88,307. At Virginia City?—In Nevada, Oh, yes.

88,308.—

“In 1847 there was no public sentiment, such as now exists, and many well-to-do Irish farmers and tradesmen, as well as English speculators, aided the landlords by bidding for the land from which tenants were evicted. There is none of this competition for land this time. There are not four cases in Ireland to-day where a farm has been occupied by a neighbour when the tenant was turned out. The byelaws of the Irish Land League declare that no person who bids for the land or cattle of a tenant evicted for inability to pay rent shall be admitted to the League, and that no matter how many farmers are evicted, the land shall remain untenanted until the system shall be abolished. No sale of goods shall be effected and no land tenanted after eviction”?

—I do not think there were such byelaws. I have no recollection of them.

88,309.—

“As a consequence, land has depreciated in price one-half in 18 months.”?

—I do not know that that was an accurate description of the Land League programme. I cannot remember whether we had byelaws which exactly stated that. Of course I said that.

88,310. Whether you had byelaws or not, do you deny that that was the system which was the written or unwritten law?—Well, I would call it the unwritten law.

(*Mr. Lockwood.*) There is a portion there which I think should be read.

(*The Attorney-General.*) Read it by all means if you wish it.

(*Mr. Lockwood.*) It is on the same page. I am not reading the whole; there is another extract.

“Nothing is concealed. On the contrary, the more publicity given our aims and methods, the better our chances of success. It is this organisation, and not eloquent speeches, that has caused the people of America to look at the movement and array their sympathies on its side.”

88,311. (*The Attorney-General.*) Now, I remind you that it was on that same visit to America that Mr. Devoy made the speech which I read to you this morning, that his reason for joining was that the first substantial breach in the ramparts of British rule would be the removal of the landlords?—That was John Devoy's reason?

88,312. Yes?—I have nothing to do with his reason.

88,313. Do you suggest it is inconsistent with the passage I have read to you from your own speeches?—Not very.

88,314. You remember in America speaking about the Ladies' Land League?—When.

88,315. In the year 1880?—No, there was no Ladies' Land League in the year 1880.

88,316. Do you remember in America?—Oh, there was a Ladies' Land League in America. I beg your pardon; I thought you referred to Ireland.

88,317. When do you say the Ladies' Land League was started in Ireland?—On the eve of my arrest in 1881. I think I suggested the formation of a Ladies' Land League the very day before I was arrested.

88,318. I do not think the date of the particular speech to which I have referred is wrong?—It may possibly refer to the Ladies' Land League of America, which had been established, I think, in the middle of 1880, by Miss Fanny Parnell, sister of Mr. Parnell.

88,319. There had been a Ladies' Land League then started in America?—Yes, in Washington, I think, and in a few cities in the East: Washington, New York, Boston, and Philadelphia.



3 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,320. Let me understand. I cannot finish that particular point to-day, but I will go as far as I can in it. To whom did you suggest the formation of the Ladies' Land League?—In Ireland?

88,321. Yes?—At a meeting of the Land League, I think, on the 2nd of February, I think, 1881: the day before I was arrested.

88,322. It is reported, is it?—It is reported in the "Freeman's Journal." I may have talked to Miss Anna Parnell.

88,323. Anna Parnell or Fanny Parnell?—No, Miss Fanny Parnell lived in America. It was she, I think, who first organised the Ladies' Land League in America.

88,324. The suggestion as to the Ladies' Land League in Ireland was by Miss Anna Parnell?—It was by me, and I borrowed the suggestion from America.

88,325. Can you tell me who the officers of the Ladies' Land League were? I am speaking of in Ireland or England?—As I have told you, the organisation of the Ladies' Land League came into existence actually after I was arrested, and practically ceased when I came out of prison.

88,326. I will give you the names from your own interview please. Was Mrs. Dillon, the aunt of John Dillon, the president?—I think she was honorary president.

88,327. Is she living?—She is.

88,328. Where does she live?—In Ballydereen, County Mayo.

88,329. Were the treasurers Mrs. Moloney and Miss O'Leary?—They were.

88,330. Are they alive?—I believe so, and I hope so.

88,331. Of course we all hope so. That is not the question. Where do they live?—I do not know. I believe Mrs. Moloney lives in London. Where Miss O'Leary lives I do not know. She is a sister of Dr. O'Leary, who was a personal friend of Lord Beaconsfield.

88,332. Is she still Miss O'Leary, or is she married?—I do not know.

88,333. Were the secretaries Anna Parnell, Miss Lynch, and Miss Strych?—I believe so.

88,334. Are they alive?—Yes, I think so.

88,335. Was Mrs. Moore one of the organisers?—I believe she was.

88,336. Was she an American?—No; she is in America now.

88,337. Where does she reside?—I believe in New York.

88,338. Miss Reynolds, was she an organiser?—She was. She was imprisoned, I think.

88,339. Is she married?—Yes, I think so.

88,340. What is her name, please?—Mrs. Kenny, I think. She married a man named Kenny in King's County.

88,341. Does Mrs. Kenny still live in Ireland?—No, I do not think she lives in Ireland.

88,342. Where does she live?—I do not know; possibly in England or America.

88,343. Possibly anywhere?—Still I do not think she lives in Ireland. I have not seen her for years.

88,344. Miss O'Connor, was she an organiser?—There are several Miss O'Connors.

88,345. Several Miss O'Connors organisers, do you mean?—No, but there are two or three Miss O'Connors connected with the Ladies' Land League, I think.

88,346. Was a Miss O'Connor an organiser?—I believe there was. I believe she was sister of Mr. T. P. O'Connor. She was imprisoned.

88,347. Is she living?—I think so.

88,348. Miss Yates?—I do not know whether Miss Yates was an organiser or not. She was connected subsequently with a project that I started to promote cottage industries down in Connemara.

88,349. I am taking it in your own statement in your interview?—I suppose if I stated it there it must have been so.

88,350. Did those ladies, or some of them, keep a book called the Book of Kells?—So I was told.

88,351. Told by whom?—By some of the ladies, I suppose.

88,352. Which of them?—I have no recollection. It is six or seven years ago.

88,353. Did you see the Book of Kells?—I may have. I know I visited the Ladies' Land League office shortly after my arrival from Portland Prison in 1882, and possibly I may have been shown this book.

88,354. When did you last see it?—I believe on that occasion.



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3 July 1889.]

MICHAEL DAVITT.

[Continued.]

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88,355. Do you know where it is now?—I do not.

88,356. Are you quite sure you have not seen it since then?—I am certain I have not seen it since 1882.

88,357. I should like to ask whether this is a correct description of the Book of Kells, as you knew it, or understood it:—

“ They have an enormous book which they call the ‘ Book of Kells,’ after an  
“ ancient manuscript history of Ireland.”

There was, I suppose, an old manuscript history called the Book of Kells?—Yes.

88,358.—

“ This is a register containing information about all parts of Ireland as  
“ collected by the branches and collated in the central office. In it there is a  
“ record of every estate, the number of tenants, rents paid, the Government  
“ valuation, the spirit and financial condition of the people, the standing of the  
“ people towards the Land League, the number of people who have paid rent,  
“ the number of evictions which have taken place and the number pending,  
“ the character of the landlord, of the agent, if there be one, and of the con-  
“ stabulary. In fact, it would be excessively difficult to say what is not in that  
“ book. Every week reports come in from every part of Ireland, which are at  
“ once condensed and put into this book. This is the chief work in the central  
“ office.”

From whom did you get that description?—Evidently from some of the ladies, but it was carrying out an idea that was embodied in my proposal at the Castlebar Convention in 1879.

88,359. Do you believe it to be true, that that is a description of the book?—Oh, yes, I believe it is a fairly accurate description of the book.

88,360. Do you think by to-morrow morning you could possibly ascertain for me where that book is?—Indeed I could not.

88,361. Could you endeavour?—How can I?

88,362. I suppose you have a good many friends still?—I do not know the address of a single one of the ladies to whom you refer. If any one communicates with me, I shall be very happy to go and see them, because I have a very high opinion of the services they rendered to the National cause.

88,363. We will ask about the services to morrow.

[Adjourned to to-morrow at 10.30.]



SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1,

Thursday, 4th July 1889.

Mr. MICHAEL DAVITT recalled.

Further cross-examined by the ATTORNEY-GENERAL.

88,364. (*The Attorney-General.*) When the Court adjourned yesterday I was asking some question about the Ladies' Land League. I presume you are not able to give information this morning as to where the Book of Kells is?—No, I cannot.

88,365. I should like to ask you, if you please, did you yourself suggest the mode in which the Ladies' Land League should work?—I do not well recollect whether I did or not. That is the day before my arrest in 1881. I think at some time previously I may have suggested a system of Land League administration similar to that which the Ladies' Land League attempted, or something like that which the ladies attempted to carry out afterwards.

88,366. I am not on the question of date, but I am upon the question of whether it is a fact that you organised or arranged the organisation of the Ladies' Land League?—No. I suggested the formation of the Ladies' Land League, say, to-day, and I was arrested to-morrow.

88,367. Is that all you had to do with the arrangement of the Ladies' Land League?—Beyond having an interview with Miss Anna Parnell, I think a few days before I made this suggestion at the meeting of the Land League in Dublin.

88,368. I wish to call attention to the speech of Miss Anna Parnell, reported, I think it is, the 2nd of April 1881—as far as I can judge the print—of the “Nation.” I only want to get just the part of it, so as not to read more than is necessary.

“You see before you the ruins of a time when Ireland had something to ruin. There is not anything left in a material sense to ruin in Ireland now. I observe that we have succeeded to-day in getting rid of the man nearly entirely—(laughter)—and I am sure that we all feel much more comfortable in consequence. (Renewed laughter.) The consequence of this is that the men have been driven to get on the top and plant themselves on the top of the ruin, of one of the ruins of Ireland, so perhaps it is an omen of what is to come, and that the Ladies' Land League may succeed in forcing the men of Ireland to plant their feet once more and for ever upon the ruin of England's greatness. (Applause.) The resolutions passed to-day describe this Ladies' League as being jointly my work and that of Michael Davitt. Now, it was wholly his work. I did not have anything to say to it till it was done. We did not put our heads together about it. Mr. Davitt settled it all in his own mind, and then he informed the world that I was going to do it, to carry his ideas out, and never asked my consent at all. I am glad now that he did not, because I might have hesitated; but now I see that he was right, and that this Ladies' Land League was the proper thing to form in the crisis at which we have arrived. (Applause.) I think that certain people in Dublin Castle have the same opinion, because I observe that, of all those who have been arrested, it is the special friends of the Ladies' Land League who have been pounced upon, Michael Davitt was the first.”

I ask you whether that is a true statement, or not, that you had prepared the programme, so to speak, or the resolutions, on which the Ladies' Land League were to work, and gave them to Miss Parnell?—I make it a rule never to contradict a lady, and if Miss Parnell says that, I accept it.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,369. That is your answer. Now, I must put it to you. Can you tell me where the books of the Land League have gone?—I cannot. If I could I would with pleasure. I am under the impression, like many of the books of the Land League, they were destroyed. That is my impression.

88,370. From whose information is that impression derived?—Well, I think it is from general conversation amongst those who are accused, or since this inquiry happened.

88,371. From general conversation amongst the parties charged, your impression is that the books of the Ladies' Land League have been destroyed?—That is my impression. I may be wrong, and I hope I am wrong. I would be very glad if they have not been destroyed.

88,372. Have you in any way endeavoured to ascertain what became of the money the Ladies' Land League had control of?—No, I never doubted for one moment that anything improper was done with the money of the Ladies' Land League.

88,373. I was asking you a simple question. As far as we can ascertain from the information, we have heard that between 60,000*l.* and 70,000*l.* passed through the hands of the Ladies' Land League in a period of something like a year or 15 months. I put it to you—as I understand that of that sum 20,000*l.* or 30,000*l.* went in relief—have you any information which you can put before the Court as to the actual way in which the money was spent which passed through the Ladies' Land League?—I have not; I have no actual information.

88,374. Has anybody, as far as you know, made any inquiry with a view to ascertain that information?—I am not aware that any individual or number of individuals have made that inquiry.

88,375. I think it would be here convenient if I ask you one or two questions which I told you yesterday I had to ask, following up that question on the subject of land-grabbing. You expressed your view yesterday about land-grabbing. It is your view—whether legally or not—you said that it was morally a theft?—Yes; in my own belief and in the belief of the peasantry of Ireland.

88,376. Were you aware that prior to 1884 that a large number of acts of violence against persons and property had been committed against persons who were land-grabbers?—I had heard of such outrage in the papers; that was the motive attributed to the people who carried out the outrages in such newspaper reports; whether it was true or not of course I cannot say.

88,377. Be it as it may, whether it was true or not, you are aware of it having been so reported?—Yes.

88,378. I must call your attention, if you please, to one or two matters in connexion with this question of land-grabbing. You had yourself denounced land-grabbers as being traitors, did you not, in public?—Well, I think so. I think in a few speeches I spoke generally of land-grabbers in strong language, but I never in my life, I think, mentioned the name of a single individual in connexion with land-grabbing. I cannot recollect, I may have, and if I did so I should be very sorry for it. I denounced land-grabbing generally because it resulted in the taking from a tenant-farmer the property he had got in his holding for a long time, for a few pounds debt to the landlord; and it also led to disturbances and crime.

88,379. I do not wish to stop your evidence?—I thank you for allowing me to make the explanation.

88,380. But my question is: You had been party to resolutions and speeches on more than one occasion in which land-grabbers and land-grabbing were denounced as being a crime against the people?—Yes, I have no doubt I was.

88,381. May I call your attention to October 1884 at Maryborough; this is the resolution to which you spoke:

“Land-grabbing is treason to the cause of Ireland, a gross outrage on the people, and a legal robbery.”

Do you remember that resolution?—Well, I do not recollect; but I will not call the accuracy of the report in question.

88,382. Maryborough National League meeting, 5th October 1884, Mr. Lalor in the chair?—It is very likely that was the resolution; I will not doubt it.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,383. You say :—

“I want to-day, as I have already said, to offer a few words of advice to men who may be contemplating the commission of this social crime against the interests, and the peace, and the well-being of the people of Ireland. In the language of one of your resolutions ‘Land-grabbing is treason to the cause of Ireland, a gross outrage on the people, and a legal robbery.’ I have never in my political experience seen this social crime so well described and summed up as in these words from your resolution, ‘land-grabbing is treason,’ because the national sentiments of the country constitutes a supreme danger to the feelings of the popular cause, and the man who disregards this feeling ranks himself amongst the forces of our enemies. ‘Land-grabbing is the greatest outrage’ upon those rights which landlords have ever trampled upon in connexion with the farmers of Ireland. Land-grabbing is an accomplice in legal theft; it is a violation of those feelings which our hearts hold in the most sacred regard by the Irish race—the rights and principles of the domestic hearth.”

I am not suggesting that you ever denounced land-grabbers by name. I do not want to put anything as proved against you further than the passages I have read warrant in any shape or form; but I ask you, assuming there were people, I care not whom, a band of moonlighting marauders or any one else who had thought it their duty to threaten, denounce and outrage land-grabbers, either in person or property, do you represent that these words were calculated to prevent outrage?—Well, if any outrage has ever been carried out upon any individual as a consequence of language like that of mine I would certainly plead guilty to the interpretation you put upon it.

88,384. I do not think that is an answer to my question. Do you represent to my Lords that that language would be likely to prevent outrage, assuming that in the counties—I do not speak of the immediate neighbourhood, but in the counties—such language as I have read coming from you was heard by Nationalists, Nationalists in Ireland?—I do not think that any outrage would follow that as an appeal to Nationalists, because the Nationalists of Ireland, whether you call them extreme Nationalists or Home Rule Nationalists, are as much opposed to outrage upon a land-grabber as I am. And in that very county where that speech was made I am not aware that any outrage was perpetrated upon a land-grabber or any other person.

88,385. What county is Maryborough in?—Queen’s County; I think it has been free from crime all through the Land League.

88,386. I call your attention to the speech just shortly before in Queen’s County; it is reported in the “Nation” of the 9th August 1880:

“I have only now to thank you for the patience with which you have listened to me and to say a few words to the tenant-farmers now present. It is possible that when the next gale comes round some of those tenants who were readmitted as caretakers yesterday”——

I do not know whether I gave the report?—Is it reported in the “Nation?”

88,387. It is I believe;—

“may be again evicted. If such a thing will happen, recollect that in driving round these farms to-day I have placed a line round each holding, across which let no land-grabber dare walk (Loud and continued cheering.)

“(A voice :) Once again. Bravo Davitt. (Renewed cheering.)

“(Mr. Davitt :) If he wishes to preserve the peace of this part of Ireland and to respect the public sentiments of its people. (Hear, hear.) I will say no more. I am thoroughly satisfied that this advice will be followed—(cries of ‘It will’)—because four years ago it was my duty to give similar advice in another part of the Queen’s County in connexion with an eviction which took place in Knockaroo. Since that day until the present hour that farm has remained unoccupied.

“(A voice :) A model farm.”



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

I call your attention to the words—

“ I have placed a line round each holding across which let no land-grabber dare walk if he wishes to preserve the peace of this part of Ireland.”

If your idea was that denunciation of land-grabbers would not cause an attack upon the person, or an attack upon his property, why did you say “ If he wishes to preserve the peace of this part of Ireland ”?—Well, I knew very well in years gone by the taking of land out of which a tenant-farmer had been evicted had led to outrage and crime, and I point to the record of that county as proof that no outrage followed this general denunciation of land-grabbing.

88,388. No, no, that no farm had been taken, not no outrage had followed. “ That until the present hour that farm has remained unoccupied ”?—And it is unoccupied to the present day, and out of that farm an old man who had lived there all his life, Malachy Kelly and his family, were evicted in the most heartless manner, and died on the roadside.

88,389. The Land League law was obeyed?—And the peace was preserved.

88,390. I am calling your attention to this: the Land League law was obeyed and the peace preserved?—It was not the Land League law, it was my advice.

88,391. We will call it your advice: Your opinion was that if that advice had been respected or followed the peace would have been preserved?—Very likely; it had been broken over and over again for generations for the same thing.

88,392. That you knew?—I did, unhappily, from my reading of Irish history.

88,393. You knew the effect of taking evicted farms, according to your reading of history, at some remote period?—No, at recent periods.

88,394. That outrage had followed?—Certainly.

88,395. I put it to you again, as I mean to comment upon it afterwards:

“ I have placed a line round each holding across which let no land-grabber dare walk.”

Do you mean to tell the Court that that might not have conveyed the meaning that it would be dangerous to take the land?—Oh, it might; I admit that, but I am glad to say no outrage followed. I think it is permissible to say that in your opening statement, Mr. Attorney, you said I never advocated outrage upon the poor tenant-farmer in Ireland.

88,396. Now, contemporaneously with that, Mr. Davitt—I will not say contemporaneously, but in connexion with that—I wish now to ask you a question. You were acquainted with what was being done by the Land League in connexion with what has been called boycotting or intimidation?—I am acquainted with what was being done by individuals connected with the branches of the Land League in the way of boycotting.

88,397. I will take your expression—acquainted with what was being done by individuals connected with the branches of the Land League?—As reported in the public papers.

88,398. I want to ask you to keep your attention particularly to what I am upon; I am not now at the moment dealing with the worst form of outrage; I am dealing with what is called intimidation as distinguished from exclusive dealing. Have you in any one of your speeches ever drawn the distinction, and directed your hearers or directed your followers to draw the distinction, between boycotting which included intimidation and boycotting which stopped short of it?—Certainly.

88,399. When?—Oh, I think several of my speeches on that very point have been read in this court.

88,400. May I take it, except those read before the Court, have you any you would wish to put before the Court?—I think I could find many more of my speeches if I had time to look over all the speeches I have delivered during the seven or eight years.

88,401. It is of course impossible for me to deal with any others than those I have?—I have only been able to collect instances that have been referred to by counsel for the other side in this inquiry.

88,402. At present I may take it you refer to the speeches already in evidence as drawing the distinction, if there be any, between boycotting which includes intimidation and boycotting which does not?—Yes.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,403. You have just referred to the advice you gave in Queen's County in 1880, and at a place, I think, called Knocknaroo. I will call attention to what that language was. It is from the report. I am not quite sure I can give you what report that is from, it may be from an official report?—Would you kindly tell me the date.

88,404. The date, I think, was the 22nd January 1880, it is the speech you referred to as the previous speech which you made at Queen's County.

“Why should we not publish all our manhood and demand from the Government the abolition of this system. Now, not to keep you any longer, as my friend Mr. Ferguson is to follow me. But before I give place to him I have a little advice to give you. This farm I trust will not be tenanted by any man in the Queen's County. If such a traitor to your cause enters this part of the country, why, keep your eyes fixed upon him—point him out—and if a pig of his fall into the boghole let it lie there. I don't believe there is a man of this county would play into the hands of your enemy.”

I call your attention to that, do you suggest that would be considered by a person as boycotting, short of intimidation?—I would rather see the whole speech. It is just possible there may be some qualifying observation there before or after, it is a long time ago.

88,405. I will give the whole copy of the speech to Sir Charles Russell?—I should be very sorry if, in consequence of what I have said, I should have to inflict the whole speech upon the Court.

88,406. I will give the whole speech to Sir Charles Russell and he can qualify it, if there is anything, by reading it. Now I call your attention to the letter already in evidence which brought this matter markedly to your attention, or I think ought to have done, in December 1888, Mr. Hegarty's letter?—Yes.

88,407. Now let me read one or two passages of Mr. Hegarty's letter. It is addressed to you at the offices of the Irish National Land League, 39, Upper Sackville Street, Dublin?—Yes.

88,408. You are aware that it was published in the Dublin press?—Yes, and I believe in the London press too.

88,409. It is at page 1305. You got the letter?—I do not doubt I got the letter, I am sure it was published.

88,410. I would call attention to the practice of the League as early as the 26th December 1880, which would be a little more than a year after this former speech. Your attention is markedly called to it in connexion with the district of Cork, Millstreet.

“A meeting of the Land League was held here on Tuesday last at which a resolution was carried to boycott me. This was, I believe, opposed by the chairman, &c., and when he failed in his opposition he insisted upon reasons being assigned for such an extraordinary act. This they also declined to do, and proceeded during Tuesday night, posting notices calling upon the people to have no dealings with me or my family in very offensive and unbecoming language, in addition to which a sentry of members of the League were posted opposite my business to intimidate people from entering my house. They also have attempted personal violence to myself, and on several occasions, during the past three nights, have broken into my brother-in-law's house in the public street at Millstreet (and for which informations have been lodged against them) for no reason except that they have been active in my hour of trial on my behalf. I have no doubt that there are many active, useful, and honest members in the Millstreet Land League. On the other hand, it contains a sufficient number of members who, if looked at from any point of view, are certain to bring disgrace upon all the League organisations throughout this country. It is needless for me to particularise their conduct here, but I say, without fear of contradiction, that if every district in Ireland is governed by the same reign of terror as Millstreet, that the Habeas Corpus Act is suspended in its most hideous form. I know numbers of people who are coerced into this business of the League by open and defiant threats of violence.”



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

And at the end of the letter there is this:—

“ I have been endeavouring to educate and maintain fairly a large young family, and because a number of insolent rowdies here have been enabled under the auspices of the Land League to stop me of following my usual calling, I am to be ruined and prevented from supporting that family, though there is no charge advanced against me. If trial, suffering, and deprivation of personal liberty be the result of the teaching of the Land League here in the name of freedom, patriotism, and all that is dear and sacred to Irishmen at home and abroad, I call upon the Government to exercise its prerogative, and crush out and for ever such tyranny.”

You remember receiving that letter?—I do.

88,411. Did you answer it?—I neither then nor now accept that as an accurate or impartial statement of facts; but I am certain that on the receipt of that letter I wrote to the president of the Millstreet branch. I have made inquiries since Mr. Hegarty was here, and I am informed that such a letter was received.

88,412. You cannot say what you were informed; who is the president?—I do not know his name, but it was someone from that locality who is concerned in this investigation who told me, but I will make inquiries and let you know.

88,413. What is the name, please?—I cannot remember the name, I will find it out for you.

88,414. Has he been here as a witness?—I really could not tell you.

88,415. Have you seen him?—I have not, I have not been here all through; it is possible he may have been here.

(*Sir C. Russell.*) I should submit, my Lord, that when the Attorney-General is inquiring what he did, the witness is entitled to say.

(*The President.*) He is entitled to say he made inquiries; he is not entitled to say what was said to him.

(*Sir C. Russell.*) I understood him to say he had written.

(*The Attorney-General.*) He said he had written. It was when he was stating what he had been told by a person that I ventured to say that he is not entitled to put that upon me. I only ventured to object to that; it was beyond legal evidence.

(*The Witness.*) I think I put a question to Mr. Hegarty in the witness box as to whether he had not heard I had written to the Millstreet branch, and he told me he had not heard, and I made inquiries afterwards, and I was told I had written such a letter.

(*The President.*) I have said you are not entitled to say that; the object is to know the name so that the person may be called.

88,416. (*The Attorney-General.*) Was the name of the person Reardon?—I could not tell you.

88,417. Do I understand you have not at present found out what the name of the gentleman was?—I have inquired and doubtless I have been told and forgotten it; I think it will be found in Mr. Hegarty's evidence.

88,418. Be it so or not; have you seen the gentleman here?

(*The President.*) Just look at Mr. Hegarty's evidence, and see if you can find it.

(*The Attorney-General.*) I have it before me, my Lord. He is cross-examined by Mr. Reid first. I notice his answer to this question, Question 21,790:—

“ I remember receiving your letter ”——

88,419. (*Mr. Justice A. L. Smith.*) At page 1307 it says O'Connell and Reardon were secretaries.

(*The Attorney-General.*) Yes, O'Connell and John Reardon were secretaries.

88,420. Are either of those two people known to you?—No.

88,421. Now I will come to what you ask. You say at Question 21,790, page 1317:—

“ (Q.) I remember receiving your letter, and I thought I had written a reply. “ Are you certain that you got no reply?—(A.) I never did. (Q.) Did you hear “ of the local branch of the League being reprimanded by me for its conduct “ towards you?—(A.) Never. (Q.) You never heard of it?—(A.) Never. I was “ of opinion, at all events (of course your explanation now is very satisfactory)



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ that, of course, if I had received your reply it would have run in the direction  
 “ in which I wrote the letter, from my previous knowledge of what you have said,  
 “ and what I thought you meant, that, at all events the League would have to  
 “ take upon itself the transaction on its own account altogether. (Q.) You have  
 “ no recollection of my ever saying anything in public in Ireland in the way of  
 “ encouraging such boycotting as you have been subjected to?—(A.) No, I have  
 “ not. (Q.) You say in the letter the League in Millstreet has been prostituted,  
 “ and probably it will be so in many parts of Ireland, to gratify spleen and  
 “ private malice?—(A.) Yes, I think so. (Q.) Then you think that trade jealousy  
 “ or opposition in Millstreet may have had something to do with this boycot-  
 “ ting?—(A.) There is no doubt. I am very strongly of that opinion; but you  
 “ will allow me to explain that that could not have succeeded or been carried  
 “ into effect were it not for the cloak and the protection the members of the  
 “ National League gave it.”

I think you will find he gives the name of the president, and he says the president of the League did not sympathise with the boycotting.

88,422. That is not the point I am cross-examining you upon; you have said that you think now that you wrote to somebody there, I ask you whether you can give me the name of the person to whom you wrote?—I cannot now, but I know I made inquiry; the name must have been given to me, I have forgotten it, but I will make inquiry again, and will let you know.

88,423. Were you, Mr. Davitt, working at the Land League?—I was in charge of the Land League at the time.

88,424. And Hegarty's letter would have been kept on the files of the Land League?—Well, I am afraid the letters were not filed at all. The affairs of the League were conducted in a very slovenly manner, and I do not think there was any filing of letters such as you would have in a regularly organised office.

88,425. Whether it was a regularly organised office or not, we have had some evidence about it. Do you suggest that that letter would be destroyed at that time, Hegarty's letter?—I believe thousands of letters were destroyed.

88,426. I am putting this letter?—Very likely it was destroyed amongst thousands of others.

88,427. Were any copies of letters kept?—No, there was not a letter copying book in the Land League to my knowledge. I believe there is in the National League.

88,428. I did not say anything about a letter copying book. I am asking you are you certain that no copies of any kind were kept?—Not to my knowledge, when I was in charge of the organisation.

88,429. Did you write these supplies yourself, or were they written by clerks?—I wrote hundreds myself.

88,430. You did not write them all yourself, some were written by clerks?—Very likely I may have written that letter myself.

88,431. You do not suggest you wrote all the letters yourself?—I wrote hundreds.

88,432. How were your letters written, by dictation?—Yes.

88,433. By a shorthand clerk?—Yes, I had a shorthand clerk a few months before I was arrested in 1881, and I dictated the letters to him.

88,434. The shorthand note was kept as a record of the letters you sent?—Yes, that shorthand clerk was Mr. Wall, who is now on the editorial staff of the “New York Tribune.”

88,435. The other gentleman who was assisting you, I think, up to that time in the active work of the League was Mr. Brennan?—Mr. Brennan was the secretary of the Land League.

88,436. I should like to ask you, Mr. Davitt, to try as nearly as you can, and tell me who were in the office of the Land League at that time—that is the beginning of 1881—yourself and Brennan you have mentioned?—Mr. Brennan, myself, Mr. J. P. Quinn, Mr. Richard Walsh, a man named Burton. I cannot recall any other names.

88,437. How many others?—I think about five or six other clerks.

88,438. Five or six more?—Probably, five or six more.

88,439. Cannot you think of any other names, except Walsh and Burton? You mentioned Wall as the shorthand writer?—He was my shorthand writer.

88,440. How long had he been with you?—I think for about two months.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,441. What was Wall's Christian name?—I do not know what his Christian name was.

88,442. His initials?—I do not know.

88,443. Walsh, I think, you gave the name of Richard?—Richard Walsh, I think, of Tuam, in Galway.

88,444. Burton?—I do not know what his initials were.

88,445. Can you not remember anybody else?—I cannot; the others were not under my charge, they were under Mr. Brennan's.

88,446. Brennan, we understand, is in America?—In America; yes.

88,447. He has never been back since 1883, as far as you know?—No; like tens of thousands who have gone to America, he has gone to remain.

88,448. Richard Walsh, where is he?—He is in America.

88,449. When did he go?—Now, I am not certain whether he has returned from America or not. I have a vague recollection of meeting him in Chicago in 1882. I cannot be certain.

88,450. Do you know where he is now?—I do not.

88,451. Burton, do you know where he is?—I do not. I think he is in Dublin. Anyhow, I have no information. I have not seen him since 1881.

88,452. Wall, the shorthand writer?—He is on the staff of the "Tribune," or was a few years ago when I was in New York.

88,453. In America?—In America; yes.

88,454. Mr. Quinn, is he in England?—Mr. Quinn was in this Court yesterday.

88,455. Mr. Quinn has been constantly here?—No, he is constantly in Dublin.

88,456. I do not mean constantly in this Court; he has not left?—No, Mr. Quinn was never in America, he has been residing in Ireland all the time. He is a medical student in Dublin.

88,457. Cannot you recollect any other names of the people?—I cannot. I would be very glad to give you all the names if I could recollect them, but they must have been subordinate clerks under Mr. Brennan's control.

88,458. What was Mr. Quinn's position then?—He was, I think, senior clerk.

88,459. Under Mr. Brennan?—Yes.

88,460. What was Mr. Burton's position?—I think he was a kind of messenger, hall porter, something of that sort.

88,461. And Mr. Richard Walsh, what was he?—I think he was a clerk.

88,462. Had you anything to do with the money part of it at that time?—None at all, except occasionally to pay the clerks when Mr. Egan would be busy with his own affairs.

88,463. You have not mentioned Mr. Egan yet?—He was treasurer.

88,464. Was Mr. Egan at work at the Land League then?—Frequently; after business was over in the day he would come in the evening and help Mr. Brennan and myself.

88,465. Patrick Egan was the other permanent person who was there as treasurer?—Yes.

88,466. Then, except occasionally paying the clerks their weekly wages, you had nothing to do with the finances?—I had nothing to do with the finances of that or any other organisation.

88,467. You do not know who the money was received from, where it came from, or where it went to?—No, I can only give you general information.

88,468. I do not want general information, I am asking for particular information?—I am very sorry I cannot give you particular information, I should be very glad if I could.

88,469. Did you during this time pay any more visits, I am speaking of the end of 1880 and the beginning of 1881, to the west of Ireland?—Oh, yes, I went down very frequently.

88,470. Did you go to other countries in Ireland at the time of these visits, beginning in 1879?—I have visited and spoken in every county in Ireland.

88,471. Through the year 1881, in between the meetings, did you not take the opportunity of seeing and conversing with the local Fenian leaders in the same way as you answered my question with reference to your seeing them in 1879?—I have no recollection, but doubtless it may be true of many parts of Ireland. I never avoided



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

meeting any man, no matter what his opinions were, neither in 1880 nor in any other year.

88,472. I am going a little more specifically than not avoiding meeting, because the people might be glad to see you?—In the sense of searching out the parties to which you refer, I do not think I did.

88,473. Will you undertake to say that through the year 1880 as in the beginning of 1879, you did not ascertain before you were going to particular places and particular neighbourhoods, who were believed to be the local Nationalist leaders in those parts?—Certainly not to the extent I did in 1879, because I was in America for eight months in 1880.

88,474. I do not ask you whether you went over parts of Ireland when you were in America. I was dealing with the period between your return to America and your imprisonment?—You asked me a while ago whether I did this through the year 1880 as I did in 1879, and I tell you I was eight months in America in 1880.

88,475. You are quite right to be watchful. I expressed myself carelessly. I did not mean that. I meant to deal with the visits to Ireland subsequently to your return to America, and before your arrest?—I returned in December 1880.

88,476. You were arrested?—On the 3rd February 1881.

88,477. That is a period of not quite two months?—Yes.

88,478. Before you went to America in 1880 you were visiting various parts of Ireland?—I was, yes.

88,479. That would be up to what time in 1880, July?—No, I left on the 9th of May for America.

88,480. I put it to you whether it is not the fact that on the occasion of your visiting various parts of Ireland between January and May 1880 and the occasion of your visiting between December 1880 and February 1881, you did not before you went to a particular place ascertain the names of the leading Fenian leaders or Nationalist leaders?—I have no recollection whatever to enable me to answer your question.

88,481. Will you undertake to say you did not?—No; I think it is very likely. I sought out the local leaders of the "Extremist" if I learned that the local leaders were hostile to the Land League. It is very likely I would. It was my general policy.

88,482. Or if they were not hostile to the Land League?—If they were personal friends I certainly would have called upon them.

88,483. Who was the centre of Connaught?—I could not actually from knowledge answer that, but if I new who he was I could not, I am sorry to say, tell you his name.

88,484. Who was the secretary in the county of Connaught?—I do not know.

88,485. Was it a person named Mr. O'Kane?—I have no knowledge.

88,486. Do you know Mr. O'Kane?—I did; I knew him in 1879 intimately, but he very soon became hostile to the Land League.

88,487. Had you known him in 1879 and 1880?—Yes.

88,488. Was he the provincial secretary to the I.R.B.?—I cannot tell you; he was an enthusiastic, respectable young fellow, of such a class of young men in Ireland who made the backbone of the Fenian organization.

88,489. Having given him that certificate of character, which I am sure will be appreciated, coming from you, I would like to ask, did you see Mr. O'Kane at any time prior to your visit to various parts of Ireland, the west, and other parts, early in April of 1880?—Very likely. I very likely called upon Mr. O'Kane every time I went to Claremorris; he was in charge of a large drapery establishment there.

88,490. O'Kane, of Claremorris, was the name I was going to put to you. What county is that in?—Mayo.

88,491. Did you get from Mr. O'Kane an introduction to the Connaught centres?—Certainly not. I knew as much about Mayo as Mr. O'Kane did. It is my native county.

88,492. I am not limiting it to Mayo. Will you undertake to say you did not obtain from Mr. O'Kane the names of the county centres?—I will undertake to swear I never did.

88,493. Any of them?—Any of them.

88,494. At this time were you in communication at all with Thomas Walsh?—Thomas Walsh of London.

88,495. Yes?—No.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,496. Not at all?—No; I have not seen Thomas Walsh of London since 1869.

88,497. You were not in communication with him at all?—I was not.

88,498. Did you learn from O'Kane what Thomas Walsh was doing?—I never knew that O'Kane knew who Thomas Walsh was.

88,499. That is not an answer to my question; did you or did you not learn it from O'Kane?—Certainly not.

88,500. Did you ascertain in the course of those visits that arms were being sent down to some of the very places you mentioned?—I did not, but I learned as I told you yesterday that some seizures of arms had been made in Mayo, and from that I would judge that arms were being sent there.

88,501. I put this specific question to you; did you make any inquiry upon the occasion of your visits to America at the beginning of 1880 as to where the arms were coming from?—I did not at that time; as I told you yesterday I had severed my connexion with the I.R.B., and I was not interested in their work.

88,502. Did you know the man Tobin, John Tobin?—I have tried to recollect the name, but I cannot charge my memory with ever having been brought into contact with such a man. It is a common name in the Irish race, and it is possible I may have met him, but I have no recollection.

88,503. Did you know John Doolan?—Of where?

88,504. Well, it may be of Halifax?—It is very likely. I cannot recall a particular man of that name, but it is very likely. I have been in Halifax. I was in Halifax when I was connected with the Fenian movement, and I have been there since the Land League movement.

88,505. I am speaking of 1879 and 1880; did you know John Doolan then?—I did not.

88,506. Does the name of John Doolan bring back no recollection to you at all?—It does not.

88,507. Not the slightest?—Possibly in 1869 and 1870 I may have been in Halifax on business connected with the I.R.B., and I am not going to say on that occasion I have not met a man of the name of Doolan.

88,508. I wish particularly to know whether the mention of the name of John Doolan brings back to you a man in connexion with those earlier years, first?—No, no personality, but very likely I have met such a man, but I cannot remember the individual.

88,509. In the years 1879 and 1880, will you undertake to say you were not in communication with a man of the name of John Doolan, of Halifax?—I undertake to say that I have no recollection of ever having such communication in those years.

88,510. You will not go further than that?—No.

88,511. Do you know whether there is a man, John Doolan, of Halifax, who was connected with the I.R.B. movement?—I will not say one way or the other, I will not say there was not. I cannot charge my memory with there being such an individual.

88,512. Perhaps I may not pronounce it rightly?—Yes, you do, you are very correct in that pronunciation.

88,513. It may be Dolan?—Both names occur in the Irish race, Doolan and Dolan, they originally must have been the same name.

88,514. Was the expression "Black List" known in the I.R.B. organisation?—It was.

88,515. What was the Black List?—The list of persons expelled from the Fenian organisation for stealing funds, for blackguard conduct, and for general bad character.

88,516. Or for treachery?—Yes, that might be included.

88,517. Was it?—I would think so. It would be very reasonable to say that it was, but my recollection of the Fenian movement when I was in it, is that no man of bad character would be allowed to be a member, and you will find that in the constitution of the I.R.B. contained in that interview in the "New York Herald."

88,518. I do not wish to ask you any questions at the present time about what you stated respecting Mr. Ford and the "Irish World" utterances on the Phoenix Park murders, because I have put those to you collectively; and I will pass by that period, which is the year 1882. You came out, as you told us in your examination-in-chief, in the month of May 1882?—On the 6th of May 1882.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,519. I wanted to ask you some of your views in connexion with the detection of crime. Is it your view that the best way of preventing crime is that the real criminal should be discovered?—My view is that the best way of preventing crime is to denounce the cause of the crime.

88,520. I must ask you to apply your mind, if you kindly will, to the particular question I am asking you. Assuming an outrage to have been committed, I wish particularly to know whether it is your view that the best method of deterring people from committing outrages is by the real criminals being discovered and punished?—From a legal point of view of course that would be the case.

88,521. I am not speaking from a legal point of view alone. I wish to have a very clear exposition of your views on the matter, and I wish to know whether you represent to my Lords, or whether you have any opinion upon this question, that assuming crime to have been committed, that it is to the interest both of deterring crime and of justice that the real criminal should be discovered?—Yes, certainly, if it is a crime that injures the community it is in the interests of the community that the criminal should be discovered.

88,522. Were you acquainted with the circumstances of the case which is subsequently called the Widow Walsh's case?—Of where?

88,523. Does that convey nothing—bring back nothing to your memory? I am referring to page 212?

(*Sir C. Russell.*) Where did this occur?

(*The Witness.*) Is it in connexion with the Letterfrack murder?

(*The Attorney-General.*) I do not know whether it is Letterfrack, or not, I think it is.

(*The Witness.*) Yes.

88,524-5. Were you acquainted with that?—Yes, I think I remember the instance,

88,526. Did it come to your knowledge at that time that the mother, Mrs. Walsh, knew who the real criminal was?—No; I remember now distinctly the woman writing to me in behalf of her young son, who had been arrested in connexion with some crime in the locality, and her telling me he was entirely guiltless of this murder; and, I think she said, the man who had committed it had gone to America. I am only speaking from vague recollection.

88,527. Forgive me, you must allow me to put my question to you specifically, and I must ask for an answer. You have told me just now that the widow wrote to you?—Yes, that is my recollection.

88,528. Now had you knowledge from any source of information at this time that it was alleged that the boy charged was innocent, and that she knew, or he knew, who was the real culprit?—I think that must have been the substance of the letter she wrote to me. I may have heard it from other sources.

88,529. Did you not get that information before the trial took place?—I have no recollection whatever when I got the information, whether it was before the trial or after the trial.

88,530. I think it was Lyden. I understand you to say that the mother wrote to you respecting her son; who was charged with the crime of which he was wholly innocent?—That is my recollection.

88,531. Was not the son then waiting trial?—It is very likely she would write to me before the trial, but I have no recollection of the date.

88,532. I call your attention to the fact that the trial was in August 1882?—I do not think I was in Ireland in August 1882.

88,533. I must ask you, have you got the letter?

(*The President.*) What page did you give?

(*The Attorney-General.*) The first page I gave was 2212; the actual detail with reference to the crime, so far as we have got it at present, is No. 45, Galway, page 6 of the Official Return.

(*The Witness.*) I cannot recollect that I was in Ireland in August.

88,534. It is not a question of your being in Ireland on a particular date or not?—You had put the date to me as August, and I was telling you I did not remember being in Ireland in August.

88,535. I put the date to you in order to try and refresh your memory as to the date of the trial. You told me a few moments ago that the mother wrote to tell you that her son was wholly innocent, and was either about being tried or about being punished for this offence?—That is my recollection.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,536. Try and tell me when you received that?—I am trying to the best of my ability.

88,537. When did you come out of prison?—The 6th of May 1882. I left for America on the 9th of June, and came back either the latter part of August or early in September.

88,538. Have you got that letter?—I have not, nor any of the letters that I received in those years.

88,539. Do you know what became of it?—I am sure it was destroyed with thousands of letters.

88,540. I call your attention first to the paragraph of a speech of, I think it is Mr. Mooney, if I remembor right, in America in 1883?—Was I present?

88,541. It is not for that purpose I am putting the question; I am sure I do not remember, at the present moment: were you in America in May 1883?—Not in 1883, no.

88,542. I call your attention to this at page 2212?

(*Sir C. Russell.*) What is it?

(*The Attorney-General.*) It is an extract from a speech.

(*The Witness.*) I do not remember reading it either.

88,543. It has nothing to do with your reading it or not:—

“Referring to the \$37,609 sent to the mother of the boy Walsh, who was hanged for a crime he did not commit, he stated that he had been informed that the poor woman knew who had committed the murder, but like the noble Irish mother that she was she would rather sacrifice her son than turn informer.”

First, I ask you, do you approve of that?—Well, it would be a very noble action on the part of this mother, if she did sacrifice her son in order to save her and him from the stigma of informer.

88,544. In order to prevent a real criminal in a murder case being brought to justice?—I am speaking of my opinion of the woman's action. If she did it it was a noble action. I have suffered penal servitude because I would not tell of a man who had committed a crime for which I was punished.

88,545. I understand you to approve of the concealment of the name of the real murderer in order that the person who could give the name may not be styled an informer?—I do not think you are putting it quite fairly. What I said was if that statement is true, and if that woman did sacrifice her son rather than that he should turn informer, I say it was a noble action on her part.

88,546. He being innocent, you observe?—Yes.

88,547. I understand you represent to my Lords that you think it a noble act to sacrifice the life of an innocent person in order that you yourself or that person may not be termed an informer?—That is my view of this woman's action.

88,548. I ask you, did not you know before that boy's death that the mother or he had in their possession information who was the true murderer?—I did not know anything about it.

(*The President.*) I thought I caught from you that she wrote you that the man who was really guilty had gone to America?—Had gone to America; that is my recollection. I have only a vague recollection about it.

(*Sir C. Russell.*) That is not Mr. Davitt's speech.

(*The Attorney-General.*) I do not think your Lordships understood me to represent this as Mr. Davitt's speech.

88,549. I call your attention upon the statement you have now made, the person guilty had gone to America?—That is my recollection of what the woman wrote to me in her letter.

88,550. And so it would be extremely improbable whether the person who was actually guilty would be hung at all, or caught at all?—That would not lessen the stigma, according to the ideas of the Irish peasant. It is an unhappy condition of things in Ireland that the peasantry have to take that view, which would be wrong altogether in an orderly and properly-governed community.

88,551. You were the leader of the people at that time?—I was nothing of the kind.

88,552. You were, at any rate, supposed to be the leader of the people at that time?



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

—I represented the faults and mistakes of the Irish peasantry, and probably some of their good qualities, too; that is all.

88,553. You now state that it was, in your opinion, a noble act for the mother and the son to decline to give the name, even though it would save the innocent boy's life?—That is on account of the horror which the Irish peasantry have of the name of an informer.

88,554. Did you write to the "Irish World" this, on the 15th of October 1882? It is in the "Irish World" of the 11th of November 1882. Did you write a letter on that subject, dated the 15th of October 1882?—I very likely did. I have no recollection. If you will read the letter I will answer the question.

88,555. It is in the "Irish World" of the 11th November 1882, page 1, column 5, "A letter from Mr. Davitt." Of course, any other parts you wish read I will show them to Sir Charles Russell?—I would rather you would produce the whole of it, if you are going to try me over it.

88,556. I am not going to try you at all. I am going to ask you questions. My extract does not quite fully set it out, so I will read it from the paper:—

"Michael Walsh is still unretrieved, notwithstanding the recommendation of the packed jury which found him guilty. [Cable despatches report that the sentence has been commuted to penal servitude for life.—Ed. News.] From the accompanying certificate of birth it will be seen that the boy is only 15 years old. As did his brother from the moment of his sentence until he mounted the scaffold in Galway Gaol a few weeks ago, so does Michael Walsh proclaim his innocence of the crime imputed to him. I have it from the most trustworthy authority that the men who killed constable Kavanagh at Letterfrack have long since left the country, and that this poor boy, like his brother, is to sacrificed to circumstantial evidence and the thirst for vengeance which now possesses the landlord-ruled Castle Executive."

(*The Witness.*) And has possessed it for centuries.

88,557. I call your attention to this letter of the year 1882?—Yes, I wrote that letter, and I stand by every word of it.

88,558. Who was the trustworthy authority who told you?—His mother, evidently.

88,559.—

"The mother of the poor boy Walsh, hearing that efforts were being made to induce her son to become an informer, went to the prison last week and exhorted him to meet his fate like his brother, rather than bring dishonour upon his name by becoming a hated informer. This poor woman also refuses to see Earl Spencer, whom she looks upon as the executioner of her other boy, to beg for mercy."

I understand, Mr. Davitt, that at some time prior to the execution of those boys the mother had come to you and said they were innocent?—Come to me? No.

(*Sir C. Russell.*) There was the execution of one.

88,560. (*The Attorney-General.*) Sir Charles Russell is quite right. The execution of one, and the other was reprieved?—I do not remember ever seeing the woman in my life.

88,561. Writing to you?—Very likely she wrote to me.

88,562. Innocent men were about to be hanged?—Not the only innocent men hanged in Ireland.

88,563. That is not my question, Mr. Davitt, and I think you know it perfectly well?—That is my answer.

88,564. I call your attention that information was given to you by the mother that her son or she had information which would lead to the innocent men being let off?—I must have written and sent that despatch on account of getting this letter from her. What the precise terms of the letter were I cannot say.

88,565. Why did you not communicate with the authorities yourself?—The authorities?

88,566. Yes?—No, I did not communicate with the authorities, and never will so long as the authorities in Ireland are ruling the country as they are ruling it now. I say that the authorities in Ireland are the criminals in Ireland.

88,567. Just observe, Mr. Davitt. It was in your power to give information to save



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

an innocent life?—No, it is not stated there that I knew their names. It is stated there that I got information from the woman.

(*Sir C. Russell.*) This is October and the trial was in August.

(*The Attorney-General.*) Mr. Davitt has already given evidence before their Lordships with regard to that.

88,568. Now, I put this to you, Mr. Davitt. This boy, as we know, was not hanged. He was reprieved. What I wish to put to you is this. On what ground do you say that you justify not communicating with the Executive, whoever it be, in order to save an innocent man from punishment?—If I went to communicate with the Executive in Ireland at that time they would very likely charge me with complicity in that or any other crime.

88,569. That you state as your reason?—I would not communicate with them because I believed then, and believe now, they are the criminals in Ireland; the cause of all this crime and unhappy disturbance.

88,570. (*The President.*) But, surely, Mr. Davitt, if they were savages, you know, you would give information which would save an innocent man, would you not?—I had not the information. I had not the information about the names of those people.

(*The President.*) I quite appreciate that answer, but that is a different thing.

88,571. (*The Attorney-General.*) The mother comes to you?—I have said she did not come to me.

88,572. Well writes to you;—Very well; stick to the truth, if you are going on with it.

88,573. The mother writes to you respecting her boy, who is in prison?—Yes.

88,574. She tells you that she is appealing to him not to turn informer?—Yes.

88,575. Therefore it came to your knowledge that somehow or other —?—That she had information.

88,576. That she or the son had the information?—Yes.

88,577. Do I understand you to say that you had no reason for communicating that to the Executive or the authorities except that they were the real criminals?—Certainly not.

88,578. Any other reason, then?—None whatever.

88,579. Did you write to the poor woman in reply?—I should be very glad to know that I did.

88,580. My question is, did you?—I do not recollect. I should be very glad if I did.

88,581. Do you know where the widow Walsh is now?—I do not.

88,582. Did you see her in America at all?—I did not; not to my knowledge.

88,583. There is one passage I did not read. The following appeared in the "Free-man" of yesterday:—

"The greatest revulsion of feeling is manifest in the whole district, and, indeed, it may be said in the whole country, at the contemplation of a second execution in succession so rapid in the quiet old city of Galway, particularly as the circumstances of the same unfortunate family furnish the victims, the belief in the innocence of the first, who died with a protestation on his lips, and the extreme youth of the boy now awaiting the hangman, are so exceptionally heart-rending."

Now just observe, Mr. Davitt?—I am remembering.

88,584. That this poor boy died protesting his innocence, do you observe that?—Yes.

88,585. And just observe that according to this theory the poor boy who dies protesting his innocence is to die because it is not right for him to give the name of the real criminal?—Many men have done that; have sacrificed their lives in Ireland rather than give the names of those who are not guilty.

88,586. That I understand you represent, speaking at that time, 1882, was conduct of which you approved?—Well, I do not think I said that. I said I thought it was a noble act on the part of the mother if she did give that advice to her son.

88,587. Do you or do you not approve of it?—Well. I would have to be put in a similar position in order to answer the question.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,588.—

“ A few years since Stephen Walsh held a mountain farm of about 700 acres at Kilkyle, county Galway. An action was taken against him for 300*l.*, tried in Dublin, and a verdict got against Walsh. The costs brought the amount to 500*l.* A writ was served on Walsh, and 60 head of cattle and 200 sheep were sold at Clifden in May 1877 to pay the amount of the writ. The Walshes had then to leave the home where Mrs. Walsh's family lived for ages. They got possession of a small house and 2 acres of land at Letterfrack on payment of money amounting in all to 55*l.* Stephen Walsh died of a broken heart a few months after.

“ Mrs. Walsh and the remainder of her children, six in number, will be sent to America by the aid of sympathising friends in a few weeks' time. May I ask, through the columns of the “*News*,” for some kind attention to this brave-hearted Irish mother from our friends in New York, upon her arrival there? Few have ever left this unfortunate country who has a higher claim upon the sympathy of our exiled people than she who knows that her sons are guiltless of the crimes for which they suffered, and who yet can tell her brave boy of 15 to meet his death as did his brother, but not dare to become an informer.”

That was your language?—Yes, and I stand by it.

88,589. Now, I must call your attention to a speech of your own already in at page 2257 in the same connexion :—

“ He then gave them a short history of the martyrdom. They knew as well as he did, and as the English Government of the day knew, that Sergeant Brett was not purposely shot in the Manchester rescue. He knew that neither Allen, Larkin, or O'Brien had fired that shot, for he had several times spoken in America to the man that fired that shot to burst the prison van.”

That was true?—That was true. Well, as to “several times,” I remember once meeting him, I think in either Providence, Rhode Island, or Laurence, Massachusetts.

88,590. When?—I think it was on the occasion of my first visit to America, and if I am not mistaken his name was Cahill. He was one of the attacking party. The object was to break open the van and effect the release of Kelly and Deasy. The attacking party instead of taking a hammer to do that, got one of the party to fire a shot through the key-hole, which was two feet and a half from the platform of the van. At that moment, unfortunately and unhappily, Sergeant Brett was looking through the key-hole at the attacking party and the shot took effect in the eye.

88,591. (*The President.*) That is what this man told you?—No, these are facts which came out on the trial.

(*The President.*) I beg your pardon.

88,592. (*The Attorney-General.*) Observe, Mr. Davitt, if you please. Was Cahill a Fenian?—Certainly, or he would not be there.

88,593. What do you mean by volunteering Cahill's name to-day as a Fenian and as a man who fired this shot when you have declined to give the names of other persons?—Because I am certain from his conversation with me that he would have no objection whatever to state the facts.

88,594. But you had never met him except under the oath-bound sanction?—I did not meet him at all under oath-bound circumstances in America. He was well known in the place. It was well known to all who knew him that he had fired this shot. There was no secrecy about it at all. If there was I would never have told you.

88,595. You had never known him before?—Never in my life.

88,596. Now listen to this, if you please, having stated that “He had several times spoken in America to the man that fired that shot to burst the prison van”?—Yes, several times was an exaggeration. I remember only once.

88,597.—

“ The fact that it was an accident was well known to England's Government of the day, but notwithstanding that three men were immolated to satiate England's vengeance against the cause of Irish nationality.”



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

I must read two other passages in the speech, please:—

“The landlords of Ireland, England, and Scotland, the men in power to-day  
 “—who were ruling the destinies of this country—were those who murdered our  
 “three countrymen in Manchester.”

—Yes.

88,598. This is the 5th December 1885:—

“It was by the same spirit of sacrifice handed down to them by their fore-  
 “fathers that they were called upon to carry on the struggle for Irish freedom.  
 “If he or they might be called upon to-morrow to follow the example of Allen,  
 “Larkin, and Mr. O’Brien, it was their duty to imitate that sacrifice, and prove,  
 “if necessary, that death would be welcome in the cause of Irish liberty.”

I feel it right to put that speech to you. Have you any explanation to offer of that speech?—None whatever. I endorse every word of it here. I am certain those men never went there to kill this brave policeman, and if I had been there I would have prevented it at the sacrifice of my life. The men who went there would not have done it. It was an unfortunate and unhappy accident.

88,599. (*Mr. Justice A. L. Smith.*) They shot a horse, did not they, and wounded two other policemen?—They shot a horse to stop the van.

88,600. They wounded two other policemen, did not they?—I do not recollect. My memory is not very clear about all the facts, but it is very likely it may have taken place.

(*The President.*) It is evident your memory does not carry the circumstances.

88,601. (*The Attorney-General.*) That is not so?—If you will permit me, I will refer to a speech reported in the “Times” by Mr. John Bright in 1876, in which he gives the very facts I state here.

88,602. That is not the point of my question to you. I am calling your attention to this speech in 1885?—Every word of which I endorse, if that is what you want.

88,603. At that time you were the advocate of constitutional action?—I was always the advocate of my own views and nobody else is responsible for them but myself. At that time I was not taking an active part in the National League.

88,604. “The landlords in Ireland, England, and Scotland were those who murdered our three countrymen in Manchester”?—And hundreds of thousands of Irish as well have been murdered by the same system.

88,605. May I call your attention to this. In the first place, it is holding up as heroes three men who had been guilty of such conduct, whatever it was, as Allen, Larkin, and O’Brien had been?—Three men who had sacrificed their lives in devotion to what they called and believed the cause of Ireland.

88,606. Holding them up as heroes?—Holding the sacrifice up as something to be lauded and praised by Irishmen.

88,607. And imitated?—And imitated, if necessary, in the cause of liberty.

88,608. And themselves as heroes?—Certainly; the heroism of sacrifice is something to be worshipped in mankind.

88,609. Observe, Mr. Davitt, and at the same time telling your hearers that the landlords are their murderers?—Well, that was perhaps not an accurate way of putting it. I was referring to the landlord government of Ireland and the landlord government of Great Britain, which is class government, and which has resulted in the killing and starving under their system of tens of thousands of people in Ireland and elsewhere.

88,610. Do you think that would tend to inflame the minds of your hearers against the landlords of Ireland or not?—It would inflame the minds of my audience against the landlord system of Ireland, not against the landlords as individuals. I have never preached any crusade against the landlords as individuals. I would be very sorry to do it. They are the accidents of a bad system, and it is the system I have preached a crusade against, and will as long as I can ever utter a word.

88,611. You spoke in your evidence in chief of your meeting Finerty?—Yes, I have met Mr. Finerty every time I have gone to Chicago.

88,612. So I understood. I think you said he was a very fine man?—He is in



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

personal appearance probably the finest looking man in America, and is considered one of the best orators amongst the Irish race in America.

88,613. And I understood you to say when a passage was read to you, or referred to by Sir Charles Russell, you thought Finerty's speech had not been understood in the sense in which we had understood it, by his audience?—Well, no; and I will tell you why, if you will allow me. He is an enthusiastic lover of Ireland, and he has studied the facts of Irish history until he has them all at his fingers' ends, and in his speeches he dwells upon the massacres of Mulloughmask and other incidents in Irish history where the English Government resorted to wholesale and individual assassination. He is full of all this sort of thing, and I am sorry he is because I do not like his inculcating revengeful feelings over the past history of Ireland.

88,614. You associated with him?—I did, and would to-morrow, if I went to Chicago.

88,615. On several occasions?—Yes, certainly.

88,615. I am referring to specific charges in the course of "Parnellism and Crime." Do you suggest that this utterance of his was a single or unique utterance?—Oh, no; with reference to what he said at the convention I never read of his saying anything like that before, but he has always been fierce in his denunciation of English rule in Ireland.

88,617. I remember your evidence-in-chief the certificate you gave. Amongst others you spoke to Finerty?—Yes.

88,618. What I should wish to put to you is, were you acquainted, at the time you associated with him, with his utterances respecting dynamite?—Yes, very likely.

88,619. I call your attention to his speech at page 2817 just after the dynamite explosions in London and Liverpool had attracted very great attention. You probably remember the publication of a number?—It is very likely I read—indeed, I think I read—all the speeches which were delivered on dynamite about the time.

88,620. This is the time when the attention of English people being called to it the prominent Americans were being interviewed?—I do not know about that fact. I remember the time very well, because I think I placed on record my emphatic condemnation of dynamite and those who advocated it.

88,621. I am reading from the "Nation," already in at page 2817:—

"The Hon. John Finerty, Congressman, from the Third Illinois District"—

That was the gentleman, was it not?—Yes; and he never would have been elected if it was thought he would resort to the use of dynamite.

88,622:—

"was interviewed to-day in regard to the attempt to blow up the Government building in London. He said: 'I may say I am very sorry it was not more successful. I applaud the Irish in everything they do to get rid of England and her accursed rule. England brought this on herself, and Gladstone, more than anyone else, has himself to thank for it. His Midlothian speech was quoted against him by the Tories. Did he not say that agitation would be useless unless Clerkenwell Prison was blown up?'"

Did you read that?—Yes; that is not an accurate representation of the fact. Mr. Gladstone never said anything of the kind.

88,623. We are not discussing that for the moment at all. Have you any doubt you saw that about the time it was published?—Oh, I am almost certain to have read it.

88,624. And that, at any rate, was an utterance of Finerty, I presume you admit, of certainly a very disgraceful character?—Certainly, it was an utterance that I would not only not make, but when he made a similar utterance in my presence I very strongly rebuked him for it.

88,625. And which you would very strongly repudiate now?—Certainly, I would. I have never held two opinions about dynamite, whether it is used by individuals against England, in London, or used by England against Zulus in South Africa.

88,626. Did you read Mr. Finerty's speech at the meeting to celebrate Brady the Martyr?—I cannot recollect, but it is very probable I did.

88,627. You have stated to the Court that Finerty's utterance would not be understood by his hearers in the sense in which we regard the words. I must put this to you, whether you did not see and read the report of Mr. Finerty's speech at the Brady



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

Martyr's meeting reported in the "Irish World" of 21st July 1883?—No, I do not think I ever saw that copy of the "Irish World"; but if the speech was copied into any Irish or English papers it is very probable I read it there.

88,628. I must put this to you in consequence of what you said respecting Mr. Finerty. I assume a report of Finerty's speech in the "Irish World" would not be what I might call a fraud or a concoction?—Oh, no, not at all.

88,629. Now I call your attention to this. It is the 21st July 1883, an extract from John F. Finerty's speech at the Chicago "Martyr's Meeting":—

"Ireland at home went to the length of repudiating the act (*i.e.*, the Phoenix Park murders), but her thanks was the passage of the most infamous Coercion Act that Ireland had ever known. There were cities in America that met and repudiated. Chicago never did. (Cheers, and a voice, "And never will—(cheers.)") They were asked to be ashamed of this act that was committed in Dublin under the impulse of persecuted desperation. They were told if the blow had fallen on some other it would not meet with this condemnation; that Lord Cavendish was an innocent man. In a sense he was an innocent man, who died for the crimes of others . . . . They met for the purpose of showing that, although these men committed the act (if they did)—as regarded Cavendish it was not premeditated, as regarded Burke they said nothing—they were less guilty, less cowardly, less treacherous than the English Government that used what it called a 'Constitutional system' to hunt and hang boys on the testimony of hired informers."

I ask you to note this, Mr. Davitt, please?—I am listening.

88,630.—

"For his own part (that is Finerty's) he had never apologised for any act the Irish people had committed—(cheers)—and never intended to. (Cheers and cries of 'That's right.') He was sorry that a worse man than Cavendish was not in his place. If England had minded her own business, and Cavendish when he came over as a messenger of peace had been found in the company of a friend and not of an enemy of Ireland he would have been living to-day. (Applause.)

"He died because he was in bad company—was with Thomas H. Burke, the Fouché of Ireland. (Applause.) . . . He hoped to live to see the days when Ireland would have her own flag and be recognised by all the other nations as worthy of being a sister and a peer. (Cheers.) Although he did not believe Parliamentary agitation would accomplish much, still he was willing to go with them; and, as a piece of good news, he announced the election in Protestant Ulster of Timothy M. Healy."

88,631. You probably remember that that is one of the passages quoted in "Parnellism and Crime"?—Yes, I think it is a very reprehensible speech.

88,632. So I understand. But I must call your attention that that speech was somewhat in accord with the utterances of Mr. Finerty at the convention to which you refer?—No. I think what I took objection to at the convention was some statement of his that English officials in Ireland should be killed. I immediately took the strongest possible objection to that, and a row ensued. But I would be very sorry to think that John Finerty would really mean what that language would convey to you. I do not think he is a man that would injure any human being in that way. It is one of the evils of oratory in America, that there are too many unhappy facts in Irish history that prompt such speeches as that.

88,633. You have represented that there was hearty condemnation by the "Irish World," and hearty condemnation by Finerty as I understand it of the Phoenix Park murder?—I think I have got a copy of this paper, the "Chicago Citizen," in which he strongly condemned the assassination at the time. I think I have a copy of it.

88,634. Very well, see I call your attention to this. The date is 1883. That is only a year afterwards. It is the anniversary. Now I call your attention, if you please, to a report also of a speech of John Finerty's of the 8th of September 1883 in the "Irish World." Listen to this. It is reported to be John Finerty's speech.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“Honest John Mitchel used to say that he was sorry the Irish people had not shot half enough Irish landlords; he would go further, and deliberately say he was ashamed of the Irish people, if they had powder and shot, they had not shot them all. The whole Cabinet, the Lord Lieutenant, the Chief Secretary, the Privy Council, were all guilty of murder, and if any man could have power to place them all beneath a single guillotine, and lop their heads off at once, that man would be justified in the sight of God and man.”

Now, however exaggerated that language may be, do you approve of it?—I certainly do not. I think it is most reprehensible language, but it is just possible Finerty may have had in his mind the facts of the Cato Street Conspiracy, where Thistlewood planned the assassination of Lord Cavendish. You would not on that account call the English people a nation of assassins.

88,635. Now Curley was one of the prisoners convicted for the Phoenix Park murder?—Yes.

88,636. Was he hanged?—He was.

88,637. Did you know that Mrs. Curley went to America?—I did not. Well, I may have read it, but I have no recollection of the fact; I may have read it.

88,638. This, again, you will find is one referred to in “Parnellism and Crime,” and referred to in my opening statement. This is a report of Finerty’s speech of the 20th of September 1883 on Mrs. Curley’s reception.

(*The President.*) Where is it reported?

(*The Attorney-General.*) In the “Irish World” of the 20th of September 1883.

“He was proud to meet and to greet with them upon that platform the widow of the brave and unfortunate Daniel Curley. . . . It did not become any Irishman the world over to apologize for any act committed by his outraged countrymen against that infamous Government. . . . The speaker then said that although his audience and himself might approve of sterner means to effect the liberation of Ireland if they were immediately available, still they owed a tribute of respect, obedience, and admiration to that great man who had arisen as a morning star on the horizon of Irish politics, Charles Stewart Parnell.”

—I do not know that I read the speech.

88,639. I do not want at all to put things which you may feel may be painful to you, but I must put it to you, do you disapprove of that speech?—I disapprove of any speech which holds up that unhappy incident to the memory and recollection of the Irish race. The sooner it is allowed to die out the better. I said yesterday, nothing has occurred in modern times that went so near destroying the hopes of Ireland as that unhappy event. There is more real sympathy amongst the Irish race the world over for the memory of Lord Cavendish to-day than there is possibly in England; and the other unhappy man too.

88,640. At what date do I understand you to say that you date your reconciliation with Mr. Ford?—Reconciliation?

88,641. Yes?—Oh, we never fell out as friends. I disapproved strongly of his advocacy of dynamite, and I have said so in public, and I have written to himself about it; and I claim that ultimately I largely succeeded in persuading him to abandon dynamite for ever. I am sure he never will, and I hope he never will, advocate such a criminal policy again.

88,642. Those matters I have to put to you I hope directly, but what I want to bring to your mind is this. I rather gathered that your view was that before the beginning of 1883 or the last part of 1882 the “Irish World” was not advocating dynamite at all?—No, as far as my recollection goes the “Irish World” did not advocate dynamite during the time it was supporting the Land League policy.

88,643. It is necessary to fix the date, please. I understood you to say in chief to Sir Charles Russell that the “Irish World” did not advocate dynamite before either the beginning of 1883 or the extreme end of 1882?—That is my recollection. I may be wrong in a matter of a few months.

88,644. Now, then, I gather you never were separated from, or unfriendly with, Ford at all?—No, I never ceased to regard Mr. Ford as a very self-sacrificing and very honest man. Of course I disapprove entirely of his policy of dynamite and his attacks upon the Irish parliamentary party. On the other hand, I think many members of the



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

Irish parliamentary party have been very severe and unjust towards him and that may have aggravated his action.

88,645. It does not in the least inconvenience, and perhaps it would be better I should have it at the present moment; you differed temporarily with Mr. Ford with reference to his dynamite advocacy?—Yes.

88,646. Then either by your conversion to him or your influence with him you became fast and united friends upon all points?—Well, when I went to America in 1886 I called upon him, and at that time he had, in common with 999 out of every 1,000 extremists in America, abandoned the advocacy of extreme revolutionary ideas and accepted the Home Rule proposals of 1886.

88,647. I am at a period before what you are pleased to call the proposals of 1886?—1885 or 1886.

88,648. I call your attention to that letter to the "Irish World" of the 7th October 1885: this is what you wrote, you know. It is in "Parnellism and Crime"?—I would thank you to read the whole letter.

88,649.—

"The 'Irish World,' which, of course, means Patrick Ford, has almost always been 'a guide, philosopher, and friend' of mine since my liberation from Dartmoor; and if I have had to differ occasionally with some of its teachings, and to criticise the wisdom of its plans for the freedom of Ireland, I have never for a moment doubted the unselfish patriotism which prompted such plans, or forgot the unparalleled services which you rendered to the Land League movement from its very inception until its organisation—but not its spirit—was suppressed by the Government of England. Indeed, no truthful historian can write the record of that organisation and its giant assault upon the citadel of felonious Irish landlordism without recognising the fact that the chief inspiration of the movement, its spirit, and most of its financial strength came from the 'Irish World.'"

You wrote that?—I wrote that letter, but I think I was in an exaggerating mood at the time; and possibly owing to this fact, that just then Mr. Patrick Ford was being attacked and repudiated by every parliamentary party. And at that time I was being attacked and repudiated by the parliamentary party myself. I differed myself strongly with the parliamentary party for its alliance with the Tories, and was very nearly driven out of it on account of it.

88,650. I do not understand this, but what I want to know is, in the first place, the plans which were prompted by unselfish patriotism which you object to were the plans, if I may call them, of warfare by dynamite or otherwise?—I am satisfied Patrick Ford would not do anything through criminal motives; if he advocated that policy he must have done it conscientiously.

88,651. The plans you refer to as being prompted by unselfish patriotism were the plans with regard to dynamite warfare, or other warfare?—Yes; but it has not been proved that any outrage was ever committed by this policy of Patrick Ford.

88,652. The statement that "the movement, its spread, and most of its financial strength, came from the 'Irish World,'" you do not suggest that was an exaggeration?—I believe most of the money that came from America did come through the "Irish World," from the working classes.

88,653. Your own word was "through," I do not care whether you take it as "from" or "through"—you mean collected by subscription?—I mean subscribed by the readers of the "Irish World" and others, who saw their subscriptions acknowledged in this paper with an immense circulation.

88,654. Now, you know you have spoken of this as the language of exaggeration; do let me just remind you?—I am afraid I very often do speak in that way.

88,655. Do let me remind you of several utterances of yours before there was any motive to prompt you to exaggerate; in the first place let me refer to the 11th September 1880. It is in the "Spread the Light" column of the "Irish World," and called "Davitt's Advice." Is not this a faithful record of what you said at St. Louis?—You read that yesterday, did you not?

88,656. No, excuse me, I did not, your memory is us ally accurate.

"The closing words of Davitt's great speech which we reported last week were omitted by an oversight; they were an exhortation to his hearers to send



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ the “ Irish World ” to Ireland as one of the deadliest batteries that has been  
 “ opened on landlordism, and as one of the surest ways of hastening the day of  
 “ its final overthrow.”

Do you remember saying that?—Yes, it is very likely I said that; but at the time the “ Irish World ” was not advocating dynamite.

88,657. 30th October 1880, speaking at Leadville, did you characterise the “ Irish World ” as one of the noblest friends of the Irish people?—Very likely.

88,658. March 1882—first, you were quite right in saying I did read it yesterday. I am obliged to put the 11th March to you—

“ By all means send the “ Irish World ” into Ireland, its power for good is  
 “ wonderful.”

No, I did not read it.

“ Of all the strengthened forces among the Irish people, and I cannot speak  
 “ too strongly on the subject.”

Do you remember that?—No, I was then in Portland Prison, and I was not allowed even to read the “ Times,” not to speak of the “ Irish World.”

88,659. I beg your pardon, I see what you mean. The quotation from your speech is of an issue of a date you were in Portland Prison. I understand you. I pass that for a moment. You do not deny you had said words to that effect when you were in America?—It is very likely I said that in a speech in America.

88,660. In June and July 1882 it is reported in the Balch interview at page 195 of Cashman—

“ The largest subscription was sent through the ‘ Irish World.’ It is but  
 “ justice to Mr. Ford I should state in the most public manner that the work he  
 “ has done for the League. His support has never waived for a moment, and  
 “ his paper has always been foremost in aiding anything and everything which it  
 “ could on behalf of the League.”

That was not the language of exaggeration?—Those were my views at the time, and I think they were very nearly just. On the other hand, it is only right to say Mr. Parnell always took the opposite view about Patrick Ford and the “ Irish World.”

88,661. I am cross-examining you?—I want to be just to Mr. Parnell at the same time.

88,662. Did you on the 28th May 1886 say that three fourths of the enormous sums of money received by the Land League from America were subscribed through the appeals which were made by Patrick Ford in his paper, through the instrumentality of the hundreds of branches of the auxiliary American League, through the “ Irish World ”?—Yes, I possibly said that.

88,663. Now I must ask you in reference to your statement that your reference to the “ Irish World ” was at a time when it did not advocate dynamite; have you looked through the extracts from the “ Irish World ” which have already been put in in this case?—Well, no. I do not think I have read them; I cannot say if they were read out while I was in court.

88,664. What?—They may have been read out while I was in court. Which extracts do you mean; the extracts read while Mr. Parnell was under examination?

88,665. No; read in the course of the case?—It is very likely I heard them read here.

88,666. I must put this to you, the 12th June 1880, this is at a time when the “ Irish World ” was advocating the cause of the Land League to the utmost of its power?—Yes.

88,667. “ Some think it is an open question whether ”——

(*Sir C. Russell.*) We want the whole paper,

(*The Attorney-General.*) It is the 12th June, at page 3306, you will find the extract there.

(*Sir C. Russell.*) I want the whole paper.

(*The Attorney-General.*) I am reading it from the notes.

(*Sir C. Russell.*) I have not the slightest objection to that.

(*The Attorney-General.*) I am reading what is in the evidence.

(*Sir C. Russell.*) But I recollect there was a context in that; let me have it, please?



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

*(The Attorney-General.)—*

“Some think it is an open question whether the political agent called dynamite was first commissioned in Russia or first in Ireland. Well, it is not of much consequence which of the two countries takes precedence in this onward step towards ‘civilisation.’ Still, we claim the merit for Ireland. True, the introductory blast was blown in England, and in the very centre of the enemy’s head-quarters, but the work itself was, no doubt, done by one or two Irish hands, which settles both the claim and the priority.”

Do you remember that?—I have listened to it in court, of course, and I may have read it in the “Irish World,” but what is the date of that?

88,668. That is the 12th June 1880?—Well, that would be just the time that a dynamite convention was held in Philadelphia, at which James Macdermott, who subsequently became a Government spy, advocated Nihilism and dynamite against England.

88,669. Will you observe whether it is that time or not? You have said distinctly that up to the end of July 1882 or the beginning of 1883 the “Irish World” had not advocated dynamite?—Yes, I have, that is my belief then, and that is my belief now.

88,670. Do you regard this as an advocacy of dynamite or not?—I am astonished that appeared at the time, I would like to see the whole number before I answered your question.

*(Sir C. Russell.)* I remember there is a context to it.

*(The Attorney-General.)* The 12th June 1880 was referred to at the time. I do not recall that. Sir Charles Russell may add anything he likes about it.

*(Sir C. Russell.)* I remember there is a context that will show that. The reason I asked to see the paper was because my learned friend’s recollection and my own is that there was a qualification, and it shows that it was not in the advocacy of the paper.

*(The President.)* I see the same sort of discussion arose before. I was trying to see whether you ever did put in any qualification.

*(Mr. R. T. Reid.)* We never did; it is a point we have to clear up.

*(The Attorney-General.)* Perhaps my learned friend will read it now if there is any.

*(Sir C. Russell.)* My learned friend Mr. Reid’s recollection is—I do not pledge my own—that the paper was put in, but in some way or another not printed, that is so.

*(Mr. R. T. Reid.)* That is so.

*(The Attorney-General.)* However, if you will, read anything you want now.

*(The President.)* I suppose you did not call attention to it.

*(Mr. R. T. Reid.)* What happened was this: this passage was read, and then afterwards Mr. Asquith on the following day drew attention to it, and pointed out it referred to Russia rather than to Ireland, and the passage through some inadvertence or other was not read.

*(Mr. Asquith.)* It is at page 3359.

*(The Attorney-General.)* My learned friend has not happened to refresh his memory as I have been obliged to do. My learned friend is inaccurate; it is only a question whether Russia or America was to have the first merit of sending the first dynamite. My recollection is that this was read from a paper produced by Mr. Davitt himself. Sir Charles Russell says:—

“My Lord, a paragraph was read from the paper of the 12th June, which began, as your Lordships will recollect, thus:—Some think it is an open question whether the political agent called dynamite was first commissioned in Russia or first in Ireland.”

Then Mr. Asquith says:—

“I do not want to read the whole article, my Lords; the only reason why I wish to read further extracts is to show that it was an article upon what was going on in Russia at the time, rather than on what was going on in Ireland. After the extract, which my learned friends have read, it goes on in this way:—‘It is now some 14 years’”——

You had better listen, Mr. Davitt.

*(The Witness.)* I am listening.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,671.—

“ It is now some 14 years, just about the length of John Mitchel’s sentence of transportation, since a hatful of the ‘ scientific ’ disestablished a wing of Clerkenwell Prison, in the city of London. Somebody has written: ‘ The souls ’ ‘ dark cottage, battered and decayed, lets in new light through chinks that time ’ ‘ has made. ’ But it is to be presumed that the ‘ light ’ thus let in reaches only the individual soul immured in that one cottage. Now, the ‘ chink ’ made in the Clerkenwell Prison let in a light that ‘ flashed frantic and far ’ over the three kingdoms first. And then, if our estimate of dates be correct, flashed across to St. Petersburg, taking Moscow in its way . . . . . So the new light or force, or ‘ army equivalent, ’ or whatever you may choose to call it, did stay quiet, for there is a peculiar good-natured inertia ”——

I will read the whole of it if my learned friend wishes it.

(*Mr. R. T. Reid.*) I am afraid I was not quite accurate.

(*Sir C. Russell.*) Your Lordships will see, about the middle of the page, what the statement is; that is not a leading article, but a letter from “ Transatlantic.”

(*The Attorney-General.*) Is there any other correction you wish to make?

(*Sir C. Russell.*) It is not making corrections; you wished to have the context read.

(*Mr. Justice A. L. Smith.*) No; the 10th July is the “ Transatlantic ” letter.

(*The President.*) It is lower down that that appears.

(*Sir C. Russell.*) I beg your Lordship’s pardon, that is quite so.

(*The President.*) Then to the extent which that is a qualification, it appears this was already put in.

(*Mr. R. T. Reid.*) Will your Lordship allow me to point this out; I am sorry if I was inaccurate in any respect, but I am sure I was substantially accurate, because Mr Asquith proceeds:—

“ To shorten the matter I will just simply say that in that number I ask your Lordships to note a leading article called ‘ Carry the War into England. ’ ”

That is what I had in my mind.

88,672. (*The Attorney-General.*) I will not discuss with you, Mr. Davitt, whether the subsequent passage qualifies what went before or not; but I ask you to listen to it. My question is, do you regard that, as you have heard it read, as being in favour of dynamite or against it?—As read it would certainly be in favour of dynamite. I was surprised to find it was in the “ Irish World ” of that period. Perhaps you would allow me, Mr. Attorney, to show you a report of the first dynamite convention in America.

88,673. Forgive me, that has nothing to do with the point I am upon?—But I ask for the privilege of stating this.

88,674. You will have the opportunity of giving it in re-examination?—I think you are really getting at the dynamite outrages, and I want to tell you what the object was.

88,675. I am cross-examining you upon your statement, and you must pardon me for keeping you to the point, that up to the end of 1882, that is to say during the time the “ Irish World ” was supporting the Land League, it did not advocate dynamite?—That is my belief.

88,676. Now comes the 10th July 1880, a letter from “ Transatlantic,” do you attach any importance to the parts of a paper, as to whether “ Transatlantic’s ” name is signed at the end of the article or not?—A great deal depends upon what a reader thinks of a correspondent. Many of the readers of the “ Irish World ” called “ Transatlantic ” an inspired lunatic.

88,677. Speaking of what I may call the extreme section who might read the “ Irish World,” can you point to any single passage in which the utterances of “ Transatlantic ” at this time were repudiated by any member of the Land League in any speech?—I question whether the members of the Land League bothered their heads about what “ Transatlantic ” wrote; I know I did not.

86,678. Can you point to any passage in which the party repudiated “ Transatlantic ”? No, I cannot.

88,679. Do not you know that “ Transatlantic’s ” letters appeared year after year after his death?—Oh, miles of them.



4 July, 1889.]

MICHAEL DAVITT.

[Continued.]

88,680. I call your Lordship's attention to page 3360, 10th July 1880?—What paper is that from?

88,681. The "Irish World"?—I would like to see that paper, because I have here an extract from a New York paper, the 10th July 1880, from which paper, I think, you quoted during the examination of some witness.

88,682. I must be allowed at present to examine you in my own way; I am referring to what is already in evidence?—Well, I would like to see that paper.

88,683. It is the 10th July 1880.

(*Sir C. Russell.*) We are entitled to see the paper.

(*The Attorney-General.*) My Lord, I have not the least objection to my friend seeing it, but I must remind your Lordship that the paper was produced at the time my learned friend cross-examined; and my learned friend said at the end of the day, if there was anything further to go in, he would then put it in.

(*Sir C. Russell.*) I merely say I desire to see the paper; it is not in this paper.

88,684. (*The Attorney-General*:—)

"A hearty coming together of our scattered race—the 'Sea divided Gael'—  
"with honest and courageous leaders, a united watchword 'free land in free  
"Ireland.' We have in those elements material power, not only to free our  
"island from the felon grasp of the English aristocracy, but to follow the felons  
"if we think it best into their own country, and there defeat them in the open  
"and in their cities, and thus destroy at once and for ever the 'British Empire,'  
"the greatest scourge which the human race ever experienced."

Were you aware of that?—Well, I may have read it, but I cannot recall the fact.

88,685. Now page 3363—the "Irish World"—I must ask you to listen to this?—Well, really, I would like to see the papers, because there may be qualifying matter in them, and it is only fair to Mr. Ford it should be read.

88,686. Only fair, I quite agree. Mr. Davitt, it is not the first time an examination has been made to see whether qualifying matter could be adduced; but if there is any qualifying matter in any one of these extracts I will undertake to read it. I do not want any request to do it. At present I am referring to what is put in evidence as far back as March of this year. This is in the "Irish World" of the 20th August 1880. I put to you, was not Ford doing his level best for you?—He was.

88,687.—

"Five years ago O'Donovan Rossa, through the columns of this paper, made  
"known to the Irish people the idea of skirmishing. . . . He did  
"not himself write the address that was published. Rossa called for \$5,000.  
"The first notion seemed to rise no higher than the rescue of a few Fenian  
"prisoners then held in English gaols. He wanted badly to 'knock a feather  
"out of England's cap.' That sort of theatrical work did not satisfy us,  
"nor did it commend itself to some others either. Rossa then said he was willing  
"to burn some shipping in Liverpool; 'Why not burn down London and the  
"principal cities of England?' asked one of the two whom Rossa, in the  
"beginning, associated with him in the movement. Rossa said he was in favour  
"of anything. The question of loss of life was raised. 'Yes, said he, who had  
"put forward the idea.' Yes, it is war, and in all wars life must be lost; but, in  
"my opinion, the loss of life under such circumstances would not be one tenth  
"that recorded in the least of the smallest battles between the South and North.  
"Some one suggested that plenty of thieves and burglars in London could be got  
"to do this job. Here we interposed, 'Why should you ask others to do what  
"you yourself deem wrong? After all, would it not be yourself that would be  
"committing the sin?' Gentlemen, if you cannot go into this thing with a  
"good conscience you ought not to entertain the notion at all. Here, now, two  
"questions presented themselves: (1.) Was the thing feasible? (2.) If feasible  
"what would be the probable result? That the idea could be carried into execu-  
"tion that London could be laid in ashes in 24 hours was to us self-evident.  
"England could be invaded by a small and resolute band of men, say ten or a  
"dozen, when a force of a thousand times this number, coming with ships and  
"artillery, and banners flying, could not effect a landing. Spaniards, in the days



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ of the ‘Invincible Armada’ and Zulus to-day, could not do what English-speaking Irishmen can accomplish. Language, skin, colour, dress, general manners, are all in favour of the Irish. Then tens of thousands of Irishmen from long residence in the enemy’s country know England’s cities well.”

Now listen to this?—I am listening.

88,688 :—

“ Our Irish skirmishers would be well disguised. They would enter London unknown and unnoticed. When the night for action came, the night that the wind was blowing strong, this little band would deploy, each man setting about his own allotted task, and no man, save the captain of the band alone, knowing what any other man was to do, and at the same instant ‘strike with lightning’ the enemy of their land and race . . . . . In two hours from the word of command London would be in flames, shooting up to the heavens, in 50 different places. Whilst this would be going on, the men could be still at work. The blazing spectacle would attract all eyes, and leave the skirmishers to operate with impunity in the darkness . . . . . Of the feasibility of the thing we are perfectly satisfied. What would be the probable result of all this? ”

I have read that at length to you, it being Ford’s article. I must ask you is that, or is it not, a dynamite policy?—Pardon me if I do not answer you direct, but in that very article you have quoted he is giving a history of what his views and opinions were when the Skirmishing Fund was published, and you will find, if you produce a copy of the “Irish World,” he says that he no longer advocates that policy, and I call for that article.

88,689. If there is any such article perhaps my learned friend will read it. This I will not read, because it does not vary it at all, page 3364. I call your Lordship’s attention to it?—You will permit me to say I would, for myself, be strongly opposed to any such policy, and also opposed to any such policy carried out by your own Government, with reference to Alexandria, a few years ago.

88,690. Just observe, Do you say that does not advocate dynamite?—He does not in that; he is giving a history of what his views were,

88,691.—

“ Destroy London and you destroy her credit. Lay London in ashes and down go her banks, her insurance companies, and her prestige . . . . . What then? Would not Englishmen play at this game, too? Might not Dublin, Cork, Belfast, and Galway share the fate of London? Possibly, but not likely. But if so, then lay Liverpool, Manchester, Leeds, and Sheffield likewise in ashes! The four English cities are worth more than the four Irish cities. What then? Then the flag of the Revolution would appear in England . . . . . Ireland would be England’s regenerator as well as her own emancipator; and over the blackened ruins the English Republic and the Irish Republic, forgetting and forgiving the past, would sign a treaty of perpetual peace.”

I put it to you if there is anything to qualify that, let it be read. Do you represent that as article deprecating dynamite?—If that article appeared as you read it in that copy of the “Irish World” it would be very reprehensible, and it would be contrary to the opinion I formed of the “Irish World” at the time.

88,692. Now, I call my Lord’s attention to this at page 5600, Question 86,774 in your evidence-in-chief :—

“(A.) Whenever I have gone to America afterwards his was the first house to which I bent my footsteps in New York after arriving, and I may be allowed to say this about him: He is a man altogether misrepresented in England. I know a large number of people in America and in Europe, and I have yet to meet a better man morally and as a Christian and as a philanthropist than Patrick Ford.”

Now, I ask you in reference to the paper?—I am speaking of him, not of his paper, and I endorse every word of that; I speak of him as I found him not as he is represented in this paper, or your paper, or any other, and I am not going to con-



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

damn a man who is a repentant sinner, it is contrary to Christian charity to do it, he has given up dynamite, and I am very glad he has.

88,693.—

“Now I would ask you in reference to his paper, one period of his paper particularly, up to 1883, so far as you are aware, had the ‘Irish World’ in any way countenanced or suggested the use of dynamite?”

—Now listen to your answer, Mr. Davitt:—

“I think not. Before the land movement started in Ireland it had advocated the Skirmishing Fund policy, which was started by O’Donovan Rossa, but when the agitation sprang up in the west of Ireland it ceased to advocate resort to revolutionary methods, and gave the Land League in Ireland a continuous and generous support up to what is known as the Kilmainham Treaty.”

—Yes, I think I can find proof of that in the columns of the “Irish World,” that is my belief at the time, and that is my belief now.

88,694. Now page 3371, my Lord. It is the “Irish World” of 23rd of October 1880. I asked you about the use of the words “Spread the light” in your telegram?—Yes.

88,695. You said you knew that “Spread the light” referred to the Skirmishing Fund?—I did not say that. I said I knew “Spread the Light Fund” referred to sending the “Irish World” to Ireland.

88,696. Had been used in connexion with it. I think, perhaps, I have not got quite your answer in my mind?—I think not.

88,697. 20th November 1880, page 3372:—

“Spread the light my countrymen, spread the light! Better than dynamite

“though a grand ‘factor’ in our affairs—better still is the light of truth.”

Do you remember that?—I think from the language that is part of Transatlantic’s raving at the time. You must not take his meaning of “Spread the light” as my meaning.

88,698. (*The President*.) It is signed “T.A.”?—That is Transatlantic, my Lord. I guessed that was it.

88,699. (*The Attorney-General*.) Now the 24th of September 1881. Do I understand Mr. Davitt you exclude in your mind Patrick Ford altogether from anything which appears in his paper signed by Transatlantic?—Well, I do not know. I am not the manager of a paper myself, but if I was I would be reluctant to accept the responsibility for what every contributor would send. Legally, I suppose, every editor is responsible, morally it would be otherwise.

88,700. Do you represent when you speak of Patrick Ford as a Christian and moral man?—Which he is.

88,701. That would justify you in excluding every article that appeared week by week by Transatlantic?—I do not know how he would look upon it. Probably he takes a different view of the matter from what I do.

88,702. 24th of September 1881. “Irish World” still advocating the Land League?—I suppose so. I was in prison then and had no knowledge.

88,703. Your evidence in chief was given with reference to specific periods, and I have read several passages to you. Do you mean to represent to their Lordships you do not believe that in September 1881 Ford was advocating the Land League policy?—I told you I believe so, but I had not the same opportunity of judging as I had both before and after I came out of prison.

88,704. Now, just listen to this:—

“It is on the 24th September 1881. I follow my letter with arguments, recommendations, and proofs to show my countrymen the weak parts of the British Empire, and to teach them where and how to strike. There is plenty of dry kindling wood in England and Scotland to set the whole working population in a blaze. The farm labourers, the factory hands, the millions of paupers disinherited from the common lands by the rich, the 186,000 imprisoned English criminals, the half million uncaught criminals in England, the failing English manufacturers, the idle workpeople and their starving children. Here are abundant materials for the prophet of the people. He must be somewhere in the crowd, at present obscure. Let him come forth to save the people, spread the light through England.”

I think you will find that is another of Transatlantic’s.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,705. The 28th October 1882, Mr. Edward J. Rowe?—That would come nearly within the period in which I said yesterday the “Irish World” ceased to support Mr. Parnell’s policy, October 1882, near the time of the open hostility of the “Irish World.” I think you will find some articles in the “Irish World” that you have been reading, showing that it was then in hostility.

88,706. I think you are in error, but still I will take that at present. Do you suggest to me, that speaking so far as Ford is concerned, it is not fair to read it?—Well, I would think not at that period, because he took strong exception to the Kilmainham Treaty, and from that time forward for a couple of years he was attacked on that side by the Parliamentary party, and he struck back.

88,707. Did not you refer to Edward J. Rowe?—I do not think I mentioned his name in this inquiry.

88,708. Did you know him?—No.

88,709. Not in America?—I may have met him, but I cannot recall the fact.

88,710. Are you quite sure?—Quite sure. You remind me, I think it was mentioned in your opening statement, that he drafted the resolutions of the Chicago Convention, in fact he was not there at all. I have looked over the list of names and I do not find the name there.

88,711. I am not asking you about the list. Did you know Mr. E. J. Rowe?—It is just possible I may have met him amongst the tens of thousands of people I met in America, but the name does not recall individuality.

88,712. I do not mean in that sense?—No, I may have met him, I am not sure, and I would not like to be positive one way or the other. Yet, stay, I think I have a remembrance of a meeting in New York, at which a little child five or six years old gave me some flowers, of the name of Rowe, and it is possible she may have been the daughter of that man. The mention of the name brings the circumstance to my mind, and if it is so, and he is the father of that child, then I must have known him.

88,713. I understand your view to be, speaking of dynamite as distinguished from the Phoenix Park murder or anything of that kind, you recognise the fact that through 1883 and 1884 I will put it, Ford was advocating dynamite?—Oh, yes, he was advocating a policy of dynamite which nearly destroyed his own paper and alienated a great number of friends and supporters from him in America and Ireland, and I am very glad he has abandoned it for ever.

88,714. When do I understand you to say he abandoned dynamite?—I would think some time in 1885, I am not very accurate. I fancy in 1885.

88,715. Can you tell us at all?—No, I have prepared an index of the “Irish World,” but I am sorry to say I have not it here.

88,716. Of course if you would give me a date when you say that Ford abandoned the dynamite policy I will see whether there are any extracts that can be got?—I can only speak from general recollection, and I think it was some time early in 1885, but I may be wrong. I have an index of the paper containing a whole lot of information which I will be able to give you to-morrow if unfortunately you are not done with me to-day.

88,717. Just listen to this, 25th March 1882; gain it is “Transatlantic,” I read that at once from the “Irish World”:—

“A Hint for English Government Spies.

“Bailey, who informed the Dublin police concerning deposits of arms and ammunition concealed in the premises of the Whelans, of Kevin Street, Dublin, came to an untimely—an informer’s—end the other night. He was found in Skinner’s Alley by a policeman lying on his face. Believing that he was in a drunken fit, they conveyed him to Jervis Street Hospital, when on examination by the surgeons he was found to be dead. Two shots had been fired at the man, probably from a revolver. One passed through the forehead entering the brain, and the other behind the ear, also penetrating the skull. The man has been recognised as Bernard Bailey, a bacon curer, who gave information as to the Fenian store of arms seized in Kevin Street last December. Bailey had been under police protection until about a fortnight ago. He leaves a wife and four children. No arrests have been made.”

I call your attention to these words, “came to an untimely—an informer’s—end the



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

other night"?—A very criminal, stupid, and reprehensible thing to say even about an informer. I am not in favour of killing anybody.

88,718. You are not in favour of killing an informer?—I am not.

88,719. I call your attention to a signed article of Patrick Ford's of the 4th December 1886. That I gather, Mr. Davitt, would be rather more than a year after, a year and a half after, according to you, Ford had finally abandoned the dynamite policy?—I am only speaking from recollection.

88,720. You have already said you knew?—I told you my belief was it was some time in 1885.

88,721. You have already said more than once that he absolutely gave it up when he heard of the Home Rule scheme of 1886?—That is my belief.

88,722. This "gospel of dynamite,"—this is the 4th September 1886?—I remember that very article, and I have something to say when you have done.

88,723. Very well, I will read it, it has not been read, I think. If it had been read I would give you the page at once, but I do not think it has.

(*The Witness.*) Please, Sir Charles, look that up, it is very important.

"This gospel of dynamite is one of those subjects. Well, all that I have ever said on this subject I stand by now; and I stand by it, not because I said it . . . but because I believe I am right. St. Paul tells us that 'every creature of God is good.' Dynamite then, considered in its origin and elements as coming from the hand of the Creator is necessarily good . . . Now dynamite has been abused by the anarchists. For any member of a community to endeavour by violence to resist the Government, and overturn the laws of that community, after the manner of the Chicago anarchists,—I care not whether the community be a monarchy or a republic—I hold to be altogether wrong. The line must be drawn somewhere . . . But dynamite employed in the direction given to it by Irish patriotism was never intended for anarchical purposes. It was not a war against society. It was a *war between the two nations.*"

That in the original is in italics:—

"For centuries the conquering nation has waged in one form or another a WAR of EXTERMINATION against the people of the conquered nation . . . The Irish cannot fight on the honourable conditions which their English conquerors mockingly prescribe. If they are to fight at all they must avail themselves of such methods and such agencies as nature and science put within their reach.

"I don't advise anything. I am merely explaining my position and pointing out what seems to me the inevitable. It is vain to cry out Peace! Peace! when there is no peace . . . General Buller, who leads the enemy employed dynamite against his unfortunate victims—women and children in the caves of Zululand . . . If the Irish accept battle from him they must be prepared to fight him with his own weapon, and wage the war of extermination from one side or the other to the bitter end. Father Cronin asks if I want to set aside Parnell and the policy that has born such golden fruit? I answer, no. I have laboured too long and too hard to build up the movement of which Parnell is the supreme head to think now of undoing my work. I feel that I have not laboured in vain. I am loyal to Parnell but not his slave. Parnell in my judgment has made some mistakes. The Kilmainham treaty, so-called, I think was a mistake; his forcing O'Shea on the people of Galway I think was a mistake; and his denial in the House of Commons of a certain passage in his Cincinnati speech I cannot regard but as a mistake. But taking him in all I do not believe—and this I say in all sincerity—that Parnell's place could so well be filled by any other man now living. There was a time when I thought Ireland might be aided by other than Parliamentary methods without making Parnell in any way responsible, but at no time did I oppose Parnell's policy on its merits. One idea was ever before me, and that was, no matter what plan was adopted or set aside, the union of the Irish race was essential to success; and so I ceased to advocate, though I did not denounce, all other schemes save the



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

" Parliamentary programme. I said to my friends: Let us give Parnell a fair trial. And what I meant by a fair trial was not that we should step aside and give him the right of way, not that we should fold our arms and do nothing to embarrass him, but that we should roll up our sleeves and co-operate with him heartily and in good faith, and then having given Parnell this fair trial, having worked with him loyally and faithfully, if he failed, if we all failed, on that line of policy, we were resolved that the Irish cause, too, should not be voted a failure, but that another policy and other methods now in abeyance should be brought into play, and be prosecuted with vigour until the close of the war, until Ireland was free, or the Irish people were blotted out and exterminated from Irish soil.

" My personal acts and the line of conduct pursued in the 'Irish World' will attest the good faith of these declarations. I have encouraged the Parnell Parliamentary Fund. I have subscribed to that fund out of my own private purse. I have published the reports and manifestoes of its officers, and all contributions to that fund committed to my care I have cheerfully forwarded to the reverend treasurer. On the very day Father Cronin was denouncing me as an enemy of Parnell I put into the hands of the Rev. Dr. O'Reilly a check for \$2,000 to aid Parnell . . . . . I went to Chicago to gratify others not to please myself . . . . . I was in ill-health . . . . . I had made up my mind to stay at home . . . . . But when my friends urged me to go and when Mr. Redmond, in whose face I noticed an expression of anxiety, said to me that my presence at the Convention would give the appearance of union, I dismissed all thought of personal discomfort and went with them.

" The night before the Convention there was a privy council consisting of Mr. Michael Davitt, Mr. William O'Brien, Mr. John Redmond, Mr. Patrick Egan, Mr. Alexander Sullivan, and myself. The necessity for such a council on such an occasion must be obvious to every man of sense. The delegates from Ireland were at sea so to speak . . . . . and to whom had a right to look for guidance, first of all, if not to the president of the League in this country? What passed at that meeting I do not feel at liberty to state. Every one expressed his mind freely, and all were in thorough accord at the conclusion . . . . . In New York the honour of writing the address of welcome to the Parnell delegates was assigned to me. I apprehended the honour, but for Parnell's own sake I declined in favour of a more suitable hand. At the meeting above referred to it was decided that in conjunction with Mr. O'Brien and Mr. Davitt I was to have to do with the framing of the resolutions.

" I was resolved to do nothing directly or by implication that might be made use of by enemies on the other side to embarrass Parnell at the least."

—I have read that, Mr. Davitt, to you.

(*Sir C. Russell.*) Is that the whole of it?

(*The Attorney-General.*) I have read all I have got.

88,724. In the first place I ask you, do you consider that as a repudiation of the dynamite policy or not?—If taken from the context it would appear to be an advocacy of dynamite, but the facts are these if you will allow me.

88,725. You must not put facts upon me, I ask you about the speech, please.

(*Sir C. Russell.*) Why should he not if he is explaining the context?

(*The President.*) I think it will come naturally.

(*The Attorney-General.*) Very well, my Lord.

(*The Witness.*) The facts are these: The Rev. Father Cronin, of Buffalo, who had been a very prominent and influential Land Leaguer, and who is editor of a paper, made a fierce attack upon Patrick Ford for going to the Convention of Chicago. He reminded his readers that Patrick Ford had advocated dynamite, and the very fact of his being at that convention would do incalculable injury. Patrick Ford replies in that number of the "Irish World" and gives a justification of his previous advocacy of dynamite.

(*The President.*) No. He says, "This gospel of dynamite I stand by now."

(*The Witness.*) I think if the whole of it was read —

88,726. (*The Attorney-General.*) I thought you were putting something which had no relation to what I read, but I have read all I have got; if there is anything else I will read it, but I must again ask you, speaking of that article I have read, do you deny what it says?—I repeat, if taken from the context and if the facts are not known,



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

it would appear to be an advocacy of dynamite, but I think taking these matters into consideration it was not an advocacy of dynamite. I know he had told me before he went to Chicago that he had abandoned the advocacy of dynamite for ever, and that he would never stand by it again.

88,727. I call your attention to what he says here, "The gospel of dynamite is one of those subjects. Well, all that I have ever said on this subject I stand by now." How do you understand those words?—I understand them as being uttered by a man who believed he had advocated dynamite from conscientious motives, but that would not go to say that what I saw of him is not true, namely, that he did not mean to advocate it again. I give you a parallel case. I say I stand by my Fenian record—that does not mean I am a Fenian now or that I intend to be again.

88,728. The readers of this paper would not have the explanation of Ford that you had?—No, but they have the context of that article; I know it was not written in that way at all.

88,729. I understand you to say that you use it in the same sense that you stand by your Fenian opinion now?—I stand by my Fenian record, that is what I said, and you are not to infer from that that I am now a Fenian or intend to be a Fenian again.

88,730. Patrick Ford is here speaking of things he had written respecting dynamite?—For which he had been attacked by Father Cronin.

88,731. And that, he says, he stands by?—His past record; yes.

88,732. I may as well take here the question I wish to examine you upon?—That is about the privy council. I wish you would ask me about that.

88,733. Was there, in fact, this meeting?—There was a meeting, certainly.

88,734. Prior to this meeting, had there been a fear that the dynamite party would make their voice heard at that convention?—I feared it from what I read in the papers, and from what I heard when I landed in New York, and it was in consequence of that that I in my rooms, at my hotel in Chicago, asked Patrick Ford, Alexander Sullivan, Mr. Egan, and others, to come and have a talk with Mr. O'Brien and myself, but not one man present was feared or expected to advocate dynamite at that Convention.

88,735. Was not the object of the meeting to frame such resolutions as would satisfy the dynamite party, so that they might not make their opposition heard at the convention?—Not at all, nothing of the kind. The resolutions were not drawn up in reference to the dynamite party, there was no dynamite party at that convention.

88,736. Who were you afraid would make their voice heard?—I was afraid of John Devoy, who was leading an anti-Sullivanite policy. John Devoy was not advocating dynamite.

88,737. You said you heard from the papers that dynamite might be heard of at the convention?—Certainly.

88,738. Who did you expect would put forward that policy?—Rossa had declared in his paper that he would have accomplices there who would bring forward a dynamite policy.

88,739. Anybody else?—No, I do not remember anybody else except Le Caron, who says he went over to support a dynamite policy, but he was then in the pay of your Government.

88,740. I want just to understand this. The meeting you had with Mr. Patrick Ford and the others was because you feared this discussion might take place?—It was a meeting I called in order to ascertain the views of representative men, so that I might lay my plans for controlling the convention, which I did control.

88,741. The representatives being Michael Davitt, William O'Brien, John Redmond, Patrick Ford, Patrick Egan, and Alexander Sullivan?—Yes.

88,742. And at that meeting the resolutions were all framed, were they not?—No.

88,743. Not at all?—The resolutions were framed by a committee on resolutions appointed in the following day, of which I was a member.

88,744. Was it not arranged at that meeting that you and Mr. O'Brien and Mr. Ford were to act in the framing of resolutions?—Nothing of the kind.

88,745. Then you say that is untrue?—I say it must be a mistake on the part of Mr. Ford, but I have no recollection of anything of the kind taking place.

88,746. Do you represent that did not take place?—I represent that did not take place on that occasion.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,747. Or on any occasion?—Or on any occasion.

88,748. Before that convention?—I am certain that the subject of dynamite was not mentioned at that conference; I am certain resolutions were not drawn up. They were drawn up on the following day by me, and submitted to the committee on resolutions, of which I was a member.

88,749. I was not asking you at the moment again about dynamite being discussed, but I was putting to you the specific point. Was it not decided at that meeting that you, Ford, and O'Brien should act in the framing of the resolutions?—I certainly have no recollection, and Mr. Ford did not act, neither Mr. O'Brien did; therefore, I think that report is a misstatement.

88,750. This report says Ford did not act; did not Mr. O'Brien and you?—No; Mr. O'Brien had nothing to do with them; he was away at the club while I was drafting the resolutions.

88,751. Who were present at the drafting of the resolutions?—You will find the names in the official record. I will give them to you in a moment. I believe Mr. O'Brien, and the other Irish delegates, and Mr. Ford were nominated members of the committee on resolutions, and that they did not attend the committee meeting, and took no part whatever in framing the resolutions.

88,752. The point I put to you, and which you seem to admit I put to you accurately, was that you and O'Brien were chosen at this secret meeting for the purpose of framing the resolutions that were made?—That is not so. We were not chosen at the private meeting; the names were nominated on the following day at the Convention, and the names were put on the committee.

88,753. Was it arranged that you should be elected?—No, it could not be, because it would be contrary to the rules in America.

88,754. Never mind the rules; it is a coincidence, is it?—It is a mistake on the part of Mr. Ford.

(*Sir C. Russell.*) It was not a coincidence.

88,755. (*The Attorney-General.*) My friend says it was not a coincidence. The next day you three were nominated?—Along with 20 or 30 others.

88,756. Never mind that. You three were nominated?—It would be very likely that we would be.

88,757. At the speech at Ogden Grove only a week before——?—I think three days before.

88,758. At the speech at Ogden Grove a few days before—I think on the 28th of August 1886—did not this question of whether there should be any reference to dynamite come up?—No, the question was not raised at the Ogden Grove demonstration, but I heard from Le Caron here that he came to that meeting in order to sustain the dynamite policy, and I went there, as Mr. Parnell's representative, to oppose it, if it came up.

88,759. I really must put this to you as briefly as I can. At the meeting at Ogden Grove——?—Will you kindly tell me what you are quoting from?

88,760. I am quoting from the "Irish World" of the 28th of August 1886. At the meeting just before the private session to which I have referred,—at that meeting, amongst other things, had not Finerty said this?

(*Sir C. Russell.*) Ogden Grove?

(*The Attorney-General.*) Ogden Grove, yes.

"They found no fault whatever with their acceptance of such concessions as they had wrung from England if they regarded those concessions as simply 'instalments of justice,' and not 'final settlements' in any sense. . . . Did Mr. Parnell, did Mr. Davitt, did the Irish Parliamentary Party, suppose that he (the speaker) or the Irish Nationalists at home and abroad would consent to have that brave old flag (catching the fringe of the Irish banner above him) which during 700 bloody and bitter years had waved over Irish patriots phalanxed against the crimes and the pretensions of the foreigner quartered in provincial degradation upon the hateful Union Jack? They wanted to force no policy upon the Irish people at home, but they would not surrender their own. They, too, had a long and a terrible account to settle with England. They had as many wrongs to complain of and to avenge as the people of Ireland themselves. The bones of their dead—their emigrant dead shoved off



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ Irish soil by England—had whitened the bed of the Atlantic. They (the American-Irish) were the survivors or the heirs of the men and women driven forth in '47 'with a vengeance,' and with brutal and bitter words. Let the Irish in Ireland pursue, if they choose, their paths of peace, but if they (the American-Irish) could do anything to injure England, to annoy England, to keep her awake o' nights they would and they ought to do it, and the Irish leaders would manifest great wisdom in not denouncing them for what they might accomplish. He (the speaker) believed that the English should be allowed to do their own denouncing. They should receive no help from Irish patriots. If some poor peasant avenged the destruction of his home and family on an exterminating landlord's carcass, let him not be denounced. If his act could not be approved of, neither ought it to be condemned. The poor fellow would have to face the hangman—he should not be called upon to face the denunciation of Irish patriots. He (the speaker) was born in Connaught—in the city of Galway—and was partly brought up in Tipperary. The experience of his youth rose before him. In Galway the people took off their hats to the landlords. In Tipperary the landlords took off their hats to the people. The people of Galway never shot an evicting landlord—the people of Tipperary did. Well, the county of Galway was almost depopulated—the farmers of Tipperary held their own. He would leave themselves to draw the moral from the comparison he had made.”

88,761. Was that speech reported as I have read from the “Irish World” made by Finerty in your presence at Ogden's Grove?—And replied to by me, in which I condemned those sentiments.

88,762. That was the gentleman to whom you have referred in the evidence which I have reminded you of this morning?—Yes.

88,763. Alexander Sullivan also spoke, did not he?—Mr. Sullivan spoke, yes.

88,764. You spoke first, I think, Mr. Davitt?—I spoke after the chairman, I think. Mr. Sullivan spoke at the evening meeting.

88,765. Very well. “Indeed at that meeting —?—Are you quoting from my speech now? If you are, I will ask to see the whole of it.”

88,766. By all means. I had better just read the next passage of Mr. Finerty's speech:—

“ Mr. Davitt had counselled a spirit of forgiveness towards England. Well, the Irish heart was broad and generous. It had forgiven Gladstone—tyrant, hypocrite, and pharisee as he had been to Ireland. It had forgiven even Earl Spencer, if possible a worse tyrant than Gladstone has been. Mr. Davitt was much better acquainted with Earl Spencer than he (Mr. Finerty) was. So also were many other good Irishmen in the audience. But Gladstone and Spencer had repented and retracted. Forgiveness was great, charity was great, but England was not yet in sackcloth and ashes. When, as a penitent, she had restored to Ireland her plundered rights, and acknowledged, as Gladstone and Spencer had, her crimes and her errors, the Irish people would forgive her, but never until then.”

Then at the evening meeting Mr. Alexander Sullivan spoke, did not he?—He did, yes.

88,767. I am reading from the same report of the Evening Exercises in the “Irish World” of the 28th of October.

(*Sir C. Russell.*) The speech was at Ogden Grove?

(*The Attorney-General.*) Yes.

(*Sir C. Russell.*) You have not read Mr. Davitt's speech.

(*The Witness.*) The “Irish World” is a weekly paper published in New York. Those speeches would be published in the daily papers in Chicago, 900 miles away. I think it would be better to refer to the immediate contemporary reports.

88,768. (*The Attorney-General.*) I will read Mr. Davitt's speech in a moment. Just listen to this. Alexander Sullivan speaks the same evening, reported in the “Irish World” of the 28th of August:—

“ Falsely and malignantly the man who imprisoned Parnell and Davitt had said that they were associated with dynamiters and extremists and rebels, and



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ that they were responsible for the sentiments entertained by all these elements.  
 “ It would be idle to deny that there were dynamiters, that there are men who  
 “ would rather take liberty on the field of arms than through an English Parlia-  
 “ ment. It would be a falsehood to say that wherever the Irish were scattered  
 “ the world over enemies of the English flag were not to be found. And it was  
 “ an infamous falsehood to say that Parnell or Davitt or the Irish parliamentary  
 “ party was responsible for the existence of these elements. Parnell and Davitt  
 “ made no dynamiters. The English laws and the English administration of laws  
 “ had made dynamiters and physical force men of the race the world over.  
 “ Parnell and Davitt had not created their sentiments and could not unmake  
 “ their convictions. The English Government, which made the Irish dynamiters,  
 “ was the only power on earth which could unmake them, and it could only  
 “ unmake them by giving Ireland liberty, peace, and prosperity, and she could  
 “ get these blessings only when she governed herself.”

Now I call your attention to your speech.

(*Sir C. Russell.*) Is this the speech at Ogden Grove?

(*The Attorney-General.*) The speech immediately following Alexander Sullivan's.

(*Sir C. Russell.*) Are you passing the Ogden Grove speech?

(*The Attorney-General.*) That has already been read.

(*The President.*) The question is, what are you proposing to read. Is it the speech of Mr. Davitt at Ogden Grove?

(*The Attorney-General.*) A speech of Mr. Davitt at the evening meeting, I believe also at Ogden Grove on the 28th of August.

(*The Witness.*) Yes, it was I remember.

(*The President.*) Where Mr. Davitt replied?

(*The Witness.*) Not to Mr. Sullivan. I replied to Mr. Finerty, because Mr. Sullivan has never advocated dynamite.

88,769. (*The Attorney-General.*) This is immediately after Sullivan:—

“ My remarks this afternoon did not excite much enthusiasm. Being a native  
 “ of Ireland, and intending, please God, to go back there, I cannot talk about  
 “ an Irish army, because we have nothing of the kind in the old country. We  
 “ believe that we can fight out the destiny of our country even without the  
 “ aid of the sword. In Ireland borrowing weapons from the constitutional  
 “ armoury of England and turning those weapons against herself in Ireland  
 “ have made Irish national sentiment supreme within her borders, and our  
 “ cause to be respected throughout the civilised world. Mr. Sullivan has spoken  
 “ some truths, which, I trust, will attract attention in England. It was not  
 “ Mr. Parnell, it was not his followers, who called the dynamiters into England.  
 “ All this was done by England, and if men here in America choose to fight for  
 “ revenge, choose to resort to retaliation for the wrongs inflicted upon them and  
 “ their country, we cannot be to blame. It is England that is to blame. I must  
 “ say, however, that we in Ireland believe we can work out the destiny of our  
 “ country, we can vindicate Irish national sentiment; we can realise Irish patriotic  
 “ aspirations without the aid of dynamite or any policy of that kind. Mr. Sullivan  
 “ said there are men in America who would rather win Irish liberty on the battle  
 “ field than through the Imperial Parliament, I say I would not. I would rather  
 “ win Irish liberty without resorting to the barbarous practice of war. (A voice:  
 “ You will never get it.) I don't know my friend whether we will or not. I  
 “ believe we will, and 5,000,000 of people in Ireland are of the same belief.

“ I find no fault with Mr. Finerty or Mr. Sullivan for the sentiments they  
 “ express. I am not going to pass judgment upon any Irishman. Judgment has  
 “ very often been passed upon myself with very unpleasant consequences. We,  
 “ in Ireland, must face the enemy and fight the battle of our country. We are  
 “ the men in the gap. We have to run all the risk; we have to take the conse-  
 “ quences, providing we make a false step. Therefore, we are the men, I think,  
 “ who have the right to say in what way we, the people of Ireland, shall work  
 “ out the regeneration of our country. There is little account taken here in  
 “ America of the terrible odds against which we have to contend at home. Don't  
 “ you think the policy which has brought so much about is the wisest policy for



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ us to pursue. Anyhow we are going to pursue it. I am certain that in a short time we will win this fight. . . . .  
 “ I can pledge you my word, from the knowledge of things at home and from my belief in the honesty of Mr. Parnell and his followers, that in a very few years' time it will be the privilege of some of us to come out here, not to a National League Convention, but to tell you what measures we intend to propose in the Irish Parliament in College Green.”

Now before I read the next speech that is reported there I desire to call your attention to your words as quoted: “I find no fault with Mr. Finerty or Mr. Sullivan for the sentiments they express”—Well, taken with the context, Mr. Attorney, I think it explains its meaning. I am very much obliged to you for reading the whole speech.

(*The Attorney-General.*) Very well. I wish to read exactly what is fair:—

“ Mr. Sullivan then introduced Mr. Patrick Egan, who briefly congratulated the audience on the good sense, unity, and patriotism it displayed by showing that neither the sophistry nor the rascality of any one set of men could create dissension in the Irish ranks.

“ Alexander Sullivan said that Michael Davitt agreed with him that dynamitards existed, and that England could remove them only by removing English politics from Ireland; but God had not given to the Irish race the benignity and gentle heart of Davitt. While he hoped for a peaceful ending to the present troubles, he had little faith in any remedy which might be conceived in an English Parliament, but the Irish people were ready to give it a trial. Davitt was not a stranger in this country, but he was not, perhaps, fully aware that if the support of the Irish Nationalists in this country was withdrawn from Ireland the movement in that country would be like an eel—without a vertebræ.

“ In conclusion, John F. Finerty was introduced to present a motion to show the resolve of the Irish people not to disunite, and also the great respect held for Mr. Davitt. He moved a vote of thanks to Mr. Davitt for his presence at this demonstration.”

88,770. Having read that to you, I must ask you again did you not know perfectly well before the private meeting that there might be what I may call a demonstration in favour of dynamite at that convention?—I did apprehend from what I heard—not from that speech, because I never for one moment apprehended that Alexander Sullivan would propose dynamite; but I had read in Rossa's paper and other New York papers that the dynamite faction might appear at the convention, and I was resolved to put it down if it did.

88,771. Now, I must go back a little in order of date to the other utterances of Patrick Ford not connected with dynamite, but which I am going to suggest are inconsistent with the position you represent respecting Mr. Patrick Ford. Of course I have read this morning to you three references to Brady and Curley in those articles. I ought, perhaps, to put the question to you. Do you consider that those articles respecting Brady and Curley and the Phoenix Park murders are consistent with the view you have represented of Mr. Ford's opinion respecting that murder?—Well, I think I have answered about a dozen times, Mr. Attorney. I regret that anyone connected with that deed should be held up for example or admiration, but at the same time these unhappy men have paid the penalty of their deed, and I would like to speak of them with charity.

88,772. I am dealing with the effect of it upon the Irish people. I am sorry to think I am putting it too often to you, but I must make my point perfectly clear. I wish to read to you the leading article in the “Irish World” of the 23rd June 1883. I said I was going back. I am not upon dynamite now. I told you I had left it?—Still, it was the period when the “Irish World” was attacking Mr. Parnell and his party.

88,773. Do I then understand you to say that Ford's views respecting the Phoenix Park murder would be coloured by or depend upon whether he was advocating Mr. Parnell's policy or not?—No, I do not say that.

88,774. Then I do not quite understand?—I merely mention the fact, that at that period the “Irish World” was not supporting our movement, and consequently it is not fair to hold us responsible for the sentiments therein expressed at that time.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,775. You must be perfectly aware it is not a question of holding you responsible?—What is the object of reading all this then?

88,776. You have referred in very marked language to Mr. Ford, and his attitude, his character, and his conduct?—During certain periods, and I have spoken of him personally as I know him, as I generally do of everyone. I speak of them as I know them.

88,777. I desire to know whether or not you judge a man by his writings as well?—I judge a man as I know him, and then, of course, I have to judge about his writings. I have condemned some of Mr. Ford's writings.

88,778. A man who is the proprietor and editor of a great paper which is supposed to circulate through the length and breadth of the land, and has done for the Land League what you say it has done?—Yes.

88,779. I call attention to this. It is the 23rd June 1883:—

“Messrs. Tynan, Walsh, and Sheridan, according to report, have been accused of murder in Ireland. ‘Murder,’ says Noah Webster, ‘is the act of killing a human being with malice prepense.’ Simple killing is not murder. A man may be killed in war, or he may be killed on the scaffold, or he may be killed accidentally, and he is not necessarily murdered. In the last instance, of course, he would not be murdered. The malicious intent must be there. And this malicious intent is divisible into two parts: the gratification of some passion in the actor which is personal to himself, or else the ruin of the victim through hatred of the individual struck down. This is murder, and murder is a crime against humanity. All good men, therefore, must reprobate it. If Tynan, Walsh, and Sheridan are murderers, then they, too, should be reprobated. But who is it that makes the accusation? It is England, between whom and the people of Ireland there is chronic war, that would lay hands on Sheridan; and the charge, or rather the insinuation, is that when Lord Cavendish, the standard-bearer of England's domination in Ireland, was slain in Phoenix Park, Sheridan had a hand in his taking off.

“Whether Sheridan did or did not have anything to do with that Phoenix Park business we do not know, nor (from the treaty point of view) is it worth while inquiring.”

Had there been a question about Sheridan being extradited?—I believe so.

88,780.—

“From an Irish standpoint the taking off of Cavendish was an execution not a murder.”

(*The Witness*.) It is an atrocious sentiment that is foreign to the whole Irish race as I know it. I do not know that any more atrocious crime was committed in Ireland than the murder of that man, who went there as a friend of the country.

88,781. Mr. Davitt, it is a leading article in Ford's paper?—I do not care. If I was present I would have sacrificed my life to have saved him.

88,782. I call your attention that it is a leading article?—It is atrocious language. You do not hold me responsible for it?

88,783. It is a leading article of a man you have described as to whose morality and Christianity you have said you know no better man?—And he is now a penitent, and he may have known at the time that the “Times” palliated the attempted assassination of the Emperor of the French. Therefore you would not call the “Times” people assassins.

88,784.—

“It was a political offence, and political offenders are not extraditable.

“It is another thing as to whether that act was a wise act, or whether it was morally right or wrong. The ‘Irish World’ regarded it as a blunder at the time. Perhaps it was. And yet, in the Providence of God, it may be for Ireland's ultimate good. . . . This, however, we put forward without fear of contradiction—that in whatever category Brutus, Cassius, Cinna, Metellus Cimber, and William Tell are to be placed in that category, too, must Tynan, Walsh, and Sheridan be included. The whole Irish race regard the act as political. England herself so regards it. Did not England insist it was the work of the Land League? Was it not charged that the agents and



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ the means for its execution were supplied by that organisation? England, now, perhaps, thinks she has talked too fast. She seems to realise that in so far as she proved anything against the Land League in Ireland she proved too much for her purpose in America.

“ But was it not a cowardly thing to strike down unarmed men? This, if true, is sentiment and not law. But it is not strictly true. Cavendish was not unprotected. He had 40,000 soldiers and 12,000 sworded police at his beck, and a disarmed nation at his feet.

“ It will be said that Cavendish was not the author of Ireland's subjugation, nor the cause of her misfortunes. No; but Cavendish was the active agent of a power that had no right to exist at all in Ireland. He took the responsibility of representing that power, and he paid the penalty.

“ Then a man holding a position under the British Government in Ireland may be killed at any time, by any person, under any pretence, and the act must not be called murder. No; we do not say that an English official in Ireland might be killed by robbers for his money, or he might be killed for personal hatred, and in that case he would be murdered. With such offenders the Irish people could not and should not have any sympathy.

“ But Cavendish personally had done no evil to the Irish people. On the contrary, his administration promised to be one of a conciliatory character. Why, then, was he struck at? Wendell Phillips answers this question in this way:—

“ ‘ Lord Cavendish was an honourable man, and personally innocent of any evil intent. But nationally and officially he represented Gladstone and Forster.’ ”

“ That is just it. Cavendish was a fair specimen of English domination in Ireland. That domination is utterly intolerable, and it, with all its specimens, fair and foul, must disappear from Irish soil.

“ But why was Forster, who had rendered himself personally odious, allowed to escape, while Cavendish, with his olive branch, was made to bite the dust? The question cannot be answered. It seems to be an ordination of fate that the least guilty shall be sacrificed for the sins of an evil system. Witness Louis XVI.”

Well, you have expressed your condemnation of that article in the strongest terms?—Unhappily there are many parallels up to that in history. There are innocent men who have been struck down who have represented bad systems.

88,785. I am unwilling to supplement these by too many, but one or two I must put to you in consequence of what you have said. “Irish World,” 27th October 1883. That is a few months la'er.

“ No combination of events can be pointed to, either in current or in modern Irish history, to bear comparison for significance and importance with the execution of the traitor Carey, and the consequent substantial evidences that the act met with the emphatic approval of the Irish all over the globe. Never during the centuries of England's infamous rule in Ireland have Irish abhorrence of that rule and the fierce, resolute determination of the Irish people to utterly overthrow it been so pointedly demonstrated. The issue involved in sequence of circumstances to which we refer was plain and unmistakeable. From the occurrence in the Phoenix Park on the 6th of May 1882 to the occurrence at Port Elizabeth there was nothing to which a moment's misapprehension should be entertained. The whole chain of facts furnished an illustration for the thousandth time of the Irish race in front of its deadliest foe, with fixed and stern resolve to crush that foe, or in the attempt perish, like Carthage of old, from out the catalogue of nations.

“ Englishmen may have deluded themselves into the notion that the slaying of Burke and Cavendish was the work of a gang of ruffians whose act and whose motives were repudiated by the mass of their fellow countrymen. Let them not continue to lay that flattering unction to their souls.”

I call your attention to this article. The date of it is October 1883, you know, not two years after the crime.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ Let them not cease to remember that the position between Ireland and England is one of war; that there is no truce, no treaty, and above all let them keep carefully in mind that in the waging of this war the policy of Ireland is no quarter to the enemy, no hesitancy as to the use of means, not a moment’s wavering in purpose or relaxation in energy so long as England claims or exercises a shred of power, jurisdiction, or authority within the four seas of Ireland.

“ The men who struck down Burke and Cavendish were not ruffians. They were the soldiers of Ireland, fighting Ireland’s battle. Burke was an Irishman who preferred the friendship and the pay of the enemy to the service of his own country.”

That is the murdered Burke.

“ For years he had been the adviser and prompter of all the most ruthless atrocities of the Castle. He selected his side in the contest, and he died, as he deserved to die, the death of a traitor to his own land. Cavendish, though perhaps personally blameless, was on Irish soil as the agent and instrument of Ireland’s enemy. In the battle-field there can be no distinctions. Be he who he may, personally irresponsible or otherwise, the man who takes his place under the hostile flag is an enemy, and must be dealt with accordingly. The people of Ireland repudiate English rule in their country. They are engaged in a struggle to destroy that rule. The man who sets foot on Irish soil to administer or enforce any other law than the law and will of the Irish nation must do so prepared to abide the consequences. This we take to be the position and this we are convinced is the view of nine-tenths of our people everywhere.

“ The act of Carey was an act of treachery to his own people. His crime was precisely identical with that of Arnold in the American Revolution. The latter betrayed his country and escaped. England to-day, with infinitely greater might and resources than a 100 years ago, was powerless to protect the Irish Arnold. The Irish race uttered its verdict on Carey, a verdict which freemen throughout the world endorsed. There was only wanting the execution of the national will, and the man who supplied that want is now and everywhere, except in the ranks of the enemy, recognised as the instrument of justice, the a venger of an outraged people.

“ That we accurately and truthfully interpret the sentiments of Irishmen in respect to this latest development of the national struggle the contents for some months past of the last page of the “ Irish World ” abundantly prove. Let English and other enemies of Ireland glance over those letters and take to heart the lessons they convey. Five men on our side are seized and put to death. The moment the disaster is known, thousands rush into the breach and pour out their money freely to sustain the families of the victims. Another soldier, O’Donnell, falls into the enemy’s hands, and there is still another gallant move forward by his comrades of Ireland’s battalions.”

I call your attention that O’Donnell was the man who shot Carey, you know.

“ Those dollars coming in by the thousands weekly, and those letters voicing the deep and strong hatred of the writers for the power which drove them from the land of their fathers and scattered them over the world, loudly proclaim the Irish resolve, and emphatically accentuate the Irish approval of every act of war against the enemy. By the Martyrs’ and the O’Donnell Fund the Irish people plainly intimate that that war shall be relentlessly waged by every means which God and human ingenuity place at their command, until foreign rule, its instruments and abettors, are swept clean out of Ireland, and the national will will be the only arbiter of the national destinies.”

I have read you that leading article from the “ Irish World ” of the 27th of October 1883, Mr. Davitt. Do you approve of it?—No, I do not. It is very much to be regretted that these sentiments grow out of and have grown out of the unfortunate state of things between England and Ireland.

88,786. I call your attention to three things, if you please, that are there advocated or referred to by the writer. The glorification of the heroes of the Phoenix Park; approval of the murder of Carey; and extollation of O’Donnell, the man who had shot



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

him. Are those, in your opinion, moral or Christian sentiments?—I think anything that holds up assassination, even the assassination of a traitor, for admiration is to be deplored.

[Adjourned for a short time.]

88,787. (*The Attorney-General.*) There are two or three more "Irish World" utterances upon the subject of the Phoenix Park which I must call your attention to, please. I think, perhaps, it is only fair to you that I should interpose it with reference to a date. I suggest to you that the disappearance of any difference of opinion between Mr. Ford and the National League was much earlier than 1885, and was as early as the beginning of 1884; that the dissension, whatever it was, or rather the throwing cold water, to whatever extent he did, upon the policy of Mr. Parnell only extended from the beginning of 1883 to the beginning of 1884, just one year?—Oh, I think it extended over a longer period than that. I do not think Mr. Ford ever gave any support to the National League whatever. I do not recollect it, except that he made casual non-hostile reference to it; but I am not aware that he ever approved of the programme of the National League; it was too conservative for him.

88,788. I must call your attention to this, the 29th of March 1884, which is a leading article. It is under the heading—

"The Irish not disunited.

"Here and there some persons talk as if there were disunion among Irish-men. They say: 'One section of Irishmen believe in physical force, and others advocate moral suasion.' England would like to see the Irish quarrelling among themselves, and if she fails to sow dissension among them, the next best thing for her purpose, she thinks, is to circulate the notion—the false notion—that they are divided. But the Irish are not disunited. The methods employed in fighting the enemy are many and diversified; but in sentiment, in devotion to the cause of Ireland, and in determination to regain for her plundered rights, all the forces are as one man. We want to see all the forces continue actively in their respective fields until the fight is over. Parnell, our *generalissimo*, is now giving out good things. So is Davitt. So is A. M. Sullivan. Indeed, all the chiefs on the other side seem at the present time to be doing their best. On this side of the water we have a capable and clear-headed man, Mr. Alexander Sullivan, of Chicago, as President of the Irish National League of America. He is a man of ideas. One of his ideas has foiled England in her villanous 'assisted emigration' scheme. Meanwhile, the physical force men are causing England to howl as she never howled before. Here is the advantage of diversity of methods. Success, say we, to the National League, and more power to dynamite."

Now, Mr. Davitt, I put it to you, that after that date no articles speaking against the National League or its work, either in England or America, appeared in Ford's paper?—But I say that article would be most injurious to the National League by making out there was no difference whatever between the National leaders and the leaders in Ireland and the policy then advocated by the physical force party in America.

88,789. My Lord will judge of that. Taking the statement of this article and what it may contain, my question is, are you aware, and can you produce any article against Mr. Parnell subsequent to that date?—I beg your pardon; what is the date?

88,790. The 29th of March 1884?—I am not aware of any specific article, but Mr. Ford, as well as I can recall, continued to advocate a policy of violence down to 1885, and the advocacy of that in his paper and in America would injure Mr. Parnell's movement.

88,791. That is a matter of reasoning. I will ask you, please, to answer my question?—I thought I had answered it.

88,792. Can you produce any article subsequent to that date—you shall do it at any time; I do not tie you down now—speaking against the National League in the columns of the "Irish World"?—Except in the way I have explained.

88,793. Now, having reminded you of that, I must ask you, if you please, to let me call your attention to one or two other articles of Mr. Ford's, or in Mr. Ford's paper.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

in connexion with the question of crime, murder, and outrage, including the Phoenix Park murder. I call attention to this of the 28th of October 1882:—

“Already the cry for vengeance against landlordism has laid low many of the land-robbers. Within three or four years there fell in the ‘land war’ on the landlords’ side:—

“ Lord Leitrim.  
 “ Lord Mountmorris.  
 “ Lord Cavendish.  
 “ Secretary Burke.  
 “ Mr. Herbert, of Kilkenny.  
 “ Mr. Bourke, of Loughrea.  
 “ His Military Protector.  
 “ Blake, of Loughrea.  
 “ His Bailiff.  
 “ Boyde, of Kilkenny.”

I think that is a mistake for Killarney.

(*Sir C. Russell.*) Boyd is right.

(*The Attorney-General.*) Herbert is probably Killarney. It is so stated in the notes.

“ Wheeler of County Limerick. Together with some forty or fifty bailiffs and informers.

“ On the people’s side only two have yet been hanged, and not over ten are in penal servitude for terms of five, seven, and 14 years. These may be amnestied sooner than the land-robbers imagine . . . Spread the Light! Spread the Light!”

(*The Witness.*) That is Transatlantic again, I am sure.

88,794. I do not want to go back; I said it was?

(*Sir C. Russell.*) I think you said it was an article.

(*The Attorney-General.*) I quoted Transatlantic in my question.

(*Sir C. Russell.*) I beg your pardon; I did not hear it then.

(*The Witness.*) I did not hear it.

(*The Attorney-General.*) I said articles or publications in Mr. Ford’s paper?—Of course you would include that in Mr. Ford’s paper.

88,795. I do not want to go over the same ground again?—I am afraid that this ground has been gone over 20 times before.

88,796. Whatever may be the effect of the addition of Transatlantic’s name, there it is?—Of course. It is needless to say I do not at all approve of that.

88,797. Certainly, I wish you to say that. Now, I call your attention to Mr. Ford’s report, or the “Irish World’s” report, of the Joe Brady anniversary on the 24th of May 1884?—Is it the one we had yesterday?

88,798. No?—Another anniversary.

88,799. The last anniversary was 1883?

(*The President.*) This is the next year.

(*The Attorney-General.*) The one I referred to this morning was in May 1883, or on some day in 1883.

(*Mr. Atkinson.*) 21st of July 1883.

88,800. (*The Attorney-General.*) This is the 24th of May 1884:—

“ On May 14, 1884, the first anniversary of Joe Brady’s execution, a meeting was held at the Cooper Institute, New York. Dr. Hamilton Williams was chairman. ‘He has given to us,’ he said, ‘the weapon, the only weapon, that will be successful, and that is dynamite. (Loud applause.) . . . We can make the Government of Ireland by England,’ he continued, ‘one of the most costly experiments that ever the frenzied and crazy imagination ever took in hand. (Applause.) We can create such a condition of things that to every English Ministry and every English official in Ireland it will be absolutely a living hell, and government will be a living death—(loud applause)—. . . and woe be to the time when any of the wretched Guelphs, the Queen’s sons or the Queen herself, dare to put their or her feet on the streets of Dublin—(loud applause)—for we mean to take the avenging knife that killed Cæsar in the Senate House in Rome—(applause)—and any



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ ‘ man who refuses to recognise this means of dealing with the enemies of  
 “ ‘ Ireland, put him outside the camp, and have no connexion with him.  
 “ ‘ (Applause.) . . . . Do therefore everything in your power to honour  
 “ ‘ the memories and imitate the deeds of men who through good repute and bad  
 “ ‘ repute proved a strong fidelity to principle and knew how to die.’ ”

—Is this Dr. Williams?

88,801. Yes, Dr. Hamilton Williams?—An ex-official of the English Government.

88,802 :—

“ I have the pleasure of introducing to you a gentleman whom you will glad  
 “ to hear. He has proven himself one of the wisest in council, one of the calmest  
 “ in debate, one of the bravest that was ever found in the ranks of any revolu-  
 “ tionary movement, I allude to Mr. Frank Byrne. (Applause.) And should I  
 “ forget to mention the name of Mrs. Byrne. (Applause.) A woman who shows  
 “ she is as true as steel to all those heroic ideas of womanhood which typify  
 “ the feminine character of Ireland.”

Then Mr. Byrne himself spoke at the meeting :—

“ He warmly applauded Joe Brady’s ‘ noble act.’ ‘ There is,’ he said ‘ one  
 “ ‘ broad statement which I am prepared to make, and it is this, that it is the  
 “ ‘ duty of the Irish people to kill every English official who comes into their  
 “ ‘ country. (Loud and continued applause, again and again renewed.)  
 “ ‘ ‘ I would ask you,’ he said, ‘ are you in earnest? If you want to honour  
 “ ‘ Joe Brady’s memory, if you want to imitate his example, you will have to  
 “ ‘ work. (A voice, “ Quite right.”) I therefore ask those of you present who  
 “ ‘ are prepared to follow the example of Joe Brady to stand up.’ ”

And the report says :—

“ At this invitation every man and woman in the vast audience, with the  
 “ exception of about half-a-dozen, stood up amid great enthusiasm . . . .  
 “ ‘ You who think these men are going from this country to do the work are  
 “ ‘ mistaken. The men at home will do, and all they want is the money and the  
 “ ‘ word of order. (Applause.) Give them the money and the commands will  
 “ ‘ follow, and the work will be accomplished.’ ”

Then O’Donovan Rossa spoke :—

“ ‘ I hold,’ he said, ‘ that every Englishman who goes into Ireland for the pur-  
 “ ‘ pose of administering English law should be slain within 24 hours. (Thunders  
 “ ‘ of applause.)’ The meeting resolved ‘ that they regarded all means looking  
 “ ‘ to the destruction of foreign domination in Ireland to be justifiable and  
 “ ‘ commendable,’ and ‘ that they would sustain the Emergency Fund.’ ”

The origin of the Emergency Fund has already been proved in this Court, in an article which has been read. It was very similar to the Skirmishing Fund?—It was, and I think in some number of the “ Irish World,” Mr. Ford, when attacked for supporting this policy, said, by way of extenuating the policy, from his point of view, it was in retaliation for the savage Coercion Act that had been passed in Ireland. Of course that does not justify the objects of the Emergency Fund, and I must not be taken as approving of its objects.

88,803. I must really ask your careful attention to this. I call your attention that there are three or four columns to Joe Brady’s memory in this number of the “ Irish World,” with a picture of the Spartan parents of Joe Brady. It is a prominent thing in the paper?—In 1884?

88,804. In May 1884?—That is the last anniversary, I think, that has been held. I do not think you will find any record of an anniversary after that.

88,805. I think you are under a mistake as to that, but we will see presently?—That is my opinion.

88,806. You will forgive me, I think it is not so. I call your attention to Patrick Ford’s letter to the holders of this anniversary :—



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ Office of the ‘ Irish World,’ New York,  
“ May 14th, 1884.

“ Mr. Richard Murphy,—Your kind invitation on behalf of the committee of  
“ arrangements to be present at the memorial meeting to-night has just been  
“ received.

“ As this is publication night with me I am afraid I will not be permitted  
“ the pleasure of being with you.

“ You do well in honouring the memory of Joe Brady and his comrades.  
“ In behalf of the principle for which they died every true Irishman will contend  
“ that principle, freely translated, is, ‘ Ireland for the Irish.’ England sought to  
“ disgrace them, and she did so because she feared the effect of their terrible  
“ but heroic example and self-sacrificing devotion. That in itself would be a  
“ reason why Irishmen should honour them. May the influences of their  
“ heroism go on widening, and never cease to operate until English domination  
“ is swept utterly from the soil of Ireland.

“ Yours truly,  
“ PATRICK FORD.”

Did you see that letter?—I do not know that I ever saw the letter or heard it read before; but it is very likely Mr. Ford would write such a letter.

88,807. To the best of your recollection did you see that letter?—To the best of my recollection I never saw or heard the letter before, but I will take it as representing Mr. Ford’s sentiments.

88,808. It is only right to ask it, you had not such a letter in your mind when you answered the question?—I had not.

88,809. You had not it in your mind?—No. I knew at the time when I was answering Sir Charles Russell, he had during those years expressed sentiments of that kind.

88,810. This is not a question of emergency policy. This is Joe Brady “ who died  
“ on behalf of the principle which every true Irishman will contend for. England  
“ sought to disgrace them, and she did so because she feared the effect of their terrible  
“ but heroic example and self-sacrificing devotion.” Had you that kind of thing in  
your mind when you answered?—I had not read it, and never heard it before; but  
it is in accordance with the sentiments he was then advocating.

88,811. You had that kind of thing in your mind?—I knew there was a general  
kind of advocacy going on in that paper. I said this morning that if Patrick Ford  
had advocated these ideas conscientiously that is not saying I approve of them.  
They were very wrong ideas, and did a great deal of harm while he was advocating  
them in his paper.

88,812. That has nothing to do with the date?—I put that.

88,813. Among the other gentlemen you gave a certificate of character to, scarcely  
differing in estimation, was John Boyle O’Reilly?—Yes.

88,814. You had a very high opinion of him?—Yes, very high indeed.

88,815. A Christian man?—Yes, unfortunately the records of Christianity show  
there has been even assassination in that. We believe in the doctrine of Moses, and  
he committed murder.

88,816. Did you know O’Meagher Condon?—Yes, I knew him very well.

88,817. Was O’Meagher Condon a gentleman whose views you sympathise with?—  
Well, O’Meagher Condon is just now a very pronounced opponent of mine.

88,818. I did not say just now?—And has been some time.

88,819. Were you at one with O’Meagher Condon in the years 1883, 1884, and 1885?  
—No. I do not know that O’Meagher Condon was ever a member of the Land League.

88,820. A supporter of the policy of the Land League?—That I cannot say. I think  
he could be a sympathiser with the policy of the Land League. I am not aware.  
although he may have been.

88,821. Do you remember he was chairman of Mr. Parnell’s reception committee?—  
He might be and yet not be a Land Leaguer. I do not deny he was the chairman.

88,822. And supported the policy at that time?—He may have taken the chair on  
that occasion to show courtesy to Mr. Parnell, and yet he opposed to Mr. Parnell’s  
policy and mine.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,823. I do not care particularly about the words of the letter—a letter from Captain O’Meagher Condon?—I never read the letter, and I never heard the letter.

88,824. Apologizing for not being able to attend?—I do not think he would be very likely to do so. He had very advanced views.

88,825. Did it come to your knowledge that Arthur Forrester attended at that meeting of the New York Brady Anniversary?—No, I have not interested myself very much in the views or sayings of Arthur Forrester for many years.

88,826. I have a particular reason for calling your attention to that in order of time. I call your attention, please, to the constitution and byelaws of the Irish National Emergency Association. That was started by Mr. Patrick Ford, was it not?—Yes, but I must say I never read the rules or constitution, I never knew there was one.

88,827. I am calling your attention to what you said about Patrick Ford.

(*Sir C. Russell.*) How are these rules proved?

(*The Attorney-General.*) I cannot give my learned friend the date of the paper. I would rather not read it until I have traced it in the “Irish World.” I will postpone it for the present, and I will take one already proved.

88,828. I rather understood you to say that Mr. Ford was now a repentant sinner in connexion with this kind of utterance?—I put it that way. Perhaps I have not his authority to defend him here at all. All I know is he assured me in 1886 he had abandoned dynamite, and he would not advocate it again. And for that alone I am anxious to speak gratefully of the man. In politics as well as in religion we ought to be generous to those who repent.

88,829. When was this?—I was on a lecturing tour in America in 1886, and I met him several times in New York.

88,830. I would not quarrel with your answer?—I am sure you are fair, Mr. Attorney.

88,831. I am not calling your attention by any means to dynamite only, but such things as the murder of landlords, and such crimes as you yourself have denounced. Now I want to call your attention to the obituary notice of a brave Irish lady, dated 30th of January 1886. That was at a period when, according to you, Mr. Ford had abandoned all ideas, at any rate, of the dynamite policy?—Yes, I think so at that time.

88,832.—

“Death of a brave Irish Lady.

“On Sunday morning, January 24th, there died in Brooklyn an Irishwoman who had been identified with almost every national movement of this century. Born in Dublin in 1826, Mrs. Jane MacMahon.”

88,832. Did you know Mrs. MacMahon?—No.

“Daughter of Edward Gannon, a prominent citizen, whose house was the rendezvous of the leading spirits of the Catholic party, was in her youth brought into contact with such men as Thomas Moore, the poet, with whom she was a favourite child; O’Connell, Steele, and there *confrères*, and imbibed an ardent patriotism that no damper ever diminished, and that endeared her to the heart of every Irish patriot who ever made her acquaintance. In 1848 she was the intimate friend of Terence Bellew McManus, in Liverpool, and was the last to see him off on that ill-fated journey which ended in his arrest, and sentence to penal servitude. In 1865 she made cartridges and haversacks for the Manchester Fenians who crossed to Cork and Dublin.”

88,834. Does that re-call the name at all?—No.

“In 1867 her house, always open to an Irish political refugee, was the resting place of every hunted fugitive from the bloodhounds of British law. John Carroll and Charles Moorhouse were found sheltered in her house after the daring rescue of Kelly and Deasy. Faithful to the last, although her own husband was in prison awaiting trial on the same charge, she did not hesitate to volunteer her services as a witness to prove an *alibi* for Carroll and Moorhouse, and at this very time had hidden in her home another hunted Irishman, Stephen Houlahan, who had assisted in the breaking of the prison van.”



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,835. Houlahan, was that in connexion with the Manchester prison van?—It must have been, but I do not remember the name.

“ Later still, she went to reside with her son-in-law, Arthur M. Forrester, in Dublin, and here again, in 1883, was found in conflict with English authorities.”

88,836. Did you know where Arthur M. Forrester lived in Dublin?—No; I knew where he lived in Manchester, and I think I told you yesterday. I knew his mother-in-law in Manchester. If that is the same lady, I certainly must have known her.

88,836a. That is why I asked you whether you knew the name?—Well, the name is a very common name.

88,887. I do not wish in the least to mislead you. I said Mrs. McMahan, Forrester's mother-in-law?—Speaking of Mrs. Mahon in Ireland is like speaking of Jones in Wales.

“ On the night of Saturday, January 13th, 1883, when the wholesale arrests of the Dublin Invincibles took place, Mrs. McMahan was arrested in house of one of them, Joe Mullett, and marched at 1 o'clock in the morning, by a police escort, in a pelting and merciless shower of rain, through mud and slush, across the whole extent of the city to her home, which was subjected to a rigorous search, while the peelers stood guard over the poor old woman with drawn revolvers to terrify her into betrayal of some of the Invincible secrets they believed she possessed. They failed, though at the very moment they were terrorising her she had concealed in her bosom documents that had been entrusted to her by Mullett. In the Dublin trials she appeared as a witness, to prove an *alibi* for Michael Fagan, the third of the Invincibles hanged, and had to pass a terrible ordeal of cross-examination from the Crown counsel as to her knowledge of the whereabouts of uncaptured Invincibles, whose hiding places she was believed to know. The awful stress of these troublesome times broke down a constitution always delicate, and when she quitted the scenes of cruel oppression and tyranny that she had made every sacrifice to destroy, and arrived in this country in June of last year, only a wreck of the brave friend of Moore, O'Connell, McManus, the Fenians, and the Invincibles remained. For a few months only she lived to enjoy the free air and the glorious Christianity of this Republic. She loved every star and stripe in its banner, second with a love to that only she bore the old green flag. She died fortified by all the rites of the Catholic Church, and her last moments were soothed by the sympathising presence of such old friends, both of Ireland's cause and her own self, as John Walsh and Frank Byrne, whom England strove so hard to have extradited. Captain E. O'Meagher Condon, the author of the Slogan ‘God save Ireland,’ and her devoted husband and daughter, to whom, as well as her attached son-in-law, Arthur M. Forrester, of our staff, at whose home she died, we offer our condolence in this their hour of sorrow. At a meeting of the Parnell Parliamentary Fund Association of the Ninth Ward, Brooklyn, the following resolution was unanimously adopted:—

“ Resolved: That we tender to the family and friends of Mrs. John McMahan, who departed this life this morning, our sincere expression of condolence and regret, knowing, as we do, that the deceased lady was through life a firm and devoted friend of Ireland, and was closely identified with every national movement during the past 22 years. Her connexion with the defences of the Manchester Martyrs in 1867, and her evidence in favour of the Irish patriot, M. Fagan, who was brutally murdered by the English Government because of his connexion with the execution of two of the English enemy in the Phoenix Park, Dublin, in 1883, have endeared her to the hearts of all of the Irish people who are acquainted with the facts. A lady in the full and complete sense of the words, she lived a life of exemplary purity, and died surrounded by all the consolations of her faith.

“ The resolution was proposed by Mr. Richard Machale, seconded by Mr. Frank Byrne, and supported by Mr. John Walsh. Both of the latter gave touching instances that had come within their personal knowledge of the readiness of expedient, courage and fidelity of the deceased lady.”

—Does that strike you appearing in Mr. Ford's paper?—I think it is obvious that is



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

written by Forrester who was then on the staff of the paper. He was paying a tribute to his dead mother.

88,838. Arthur Forrester was on the paper at the time. You do not suggest he invented the resolution?—No, I do not say that. I think it is obvious that was done.

88,839. Do you say that Arthur Forrester invented the resolution?—No, I could not say that. I say that that was written by Arthur Forrester.

88,840. That would show that Arthur Forrester had intimate knowledge of some of the incidents?—If he was the writer it would show that he was, and it is very likely that he was.

88,841. You said a short time ago that there was no other celebration of the memorial?—Well, I should not have spoken positively, I expressed my opinion.

88,842. I do not wish to catch you, I wish to have facts. You had no reason for thinking that in 1884 the feeling of Mr. Ford with reference to the Phoenix Park murder had changed again?—No, I had no reason whatever.

88,843. I have been reading articles of 1883 and 1884 in which the Phoenix Park murder has been spoken of in terms which you have properly—if I may humbly say so—strongly reprobated?—Yes.

88,844. Had you anything in your mind as indicating there was a change of opinion of Patrick Ford back again?—I had in my mind that Patrick Ford at that time, about 1885, had ceased to advocate the principles with which the paper was identified for a short time, and he ceased to write in this manner. I have been looking up the "Irish World" during this inquiry down to the present day, and do not think that you will find the anniversary of the 6th of May carried on later than 1884 or 1885.

88,845. Are you aware of the Phoenix Park banquet of the 6th of May 1885?—I am speaking as well as I can about that period.

88,846. Your answer to me was 1884?—I thought I did not speak positively, I made a mistake. You are right.

88,847. I am putting to you certain facts with reference to this particular banquet in 1885. I want to ask you first do you know whether Arthur Forrester attended that?—I do not indeed. I have not read anything about the banquet. I have been looking over the files of the "Irish World" here. It may have caught my eye, but I have no recollection of having read it.

88,848. I understood you to say that Arthur Forrester was on the "Irish World" for a few months?—No, I did not say that. I think for two years, but I have learnt recently that he left the "Irish World," I think, in 1887.

88,849. I see it is the "Irish World" of the 16th of May 1885. Did you know of Arthur Forrester being at the May 1885 banquet? I think that is the occasion when a testimonial was presented to Mrs. Byrne?—No, I did not know anything about it.

88,850. Was the man you referred to, as having been on the staff of the Land League, J. M. Wall?—I cannot speak as to the initials.

88,851. I think you said he was in America?—On the staff of the "Tribune"; yes.

88,852. In 1885?—I found him there in 1886, when I was in New York. I cannot speak about 1885, because I was not in the country then. He might have been there in the capacity of a reporter.

88,853. I call your attention to a report of the Phoenix Park Martyrs on the 16th of May 1885. I only wish to remind you of one or two incidents here reported. Did you know of a testimonial being presented to Mr. and Mrs. Frank Byrne?—I have read of that.

88,854. Who is Mr. Austin E. Ford?—Austin E. Ford is the nephew of Patrick Ford.

88,855. Is he connected with the "Irish World"?—Yes; not now, I think.

88,856. Was he in 1885?—Yes, he was at that time. He is editing a paper called the "Freeman's Journal" in New York now.

88,857. He was connected with the "Irish World" at that time?—Yes.

88,858. I see Mr. and Mrs. Arthur Forrester are reported to have been present, Mr. E. J. Rowe, and a number of other names. I call your attention to the report of what Frank Byrne is reported in the "Irish World" as having said on that occasion at that meeting of the Phoenix Park Martyrs Memorial. Mr. Austin Ford, the gentleman who is on the "Irish World" staff, commended to their warm reception—



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“Mrs. Frank Byrne, and ask you, Mrs. Byrne, to receive this testimonial  
 “(handing the lady a well-filled purse) as a token of the esteem that the men of  
 “to-day hold you in. Mr. Byrne said: The blow inflicted on England in the  
 “Phoenix Park three years ago was the greatest since Bryan smote the Dane at  
 “Clontarf.”

You probably remember that (I have not had an opportunity of alluding to it before) as being one of the things quoted in “Parnellism and Crime”?—Yes, I have read that.

88,859.—

“It was the first time in the history of the English connexion that English-  
 “men were taught that if they meant to come to Ireland and to continue to  
 “oppress the people they would do so at the peril of their lives. Two men of the  
 “Irish Army met and killed two men of the English Army. The doctrine that  
 “the rifle alone will free Ireland is dead. The doctrine that the rifle supple-  
 “mented by modern improvements will free Ireland is alive.”

Did you know Colonel J. P. O’Flynn?—No.

88,860. I think you said you knew, but did not know intimately, Mr. Edward J. Rowe?—Well, I told you what called the name to my mind.

88,861. I made a mistake—Edward L. Carey I mean?—Yes, I knew Carey very well. He is a large coal merchant in New York.

88,862. I think you were on intimate terms with him, were you not?—I have seen Mr. Carey nearly every time I have been to New York. He is a very well known local democratic leader, and has been connected with the Ancient Order of Hibernians, and was a Fenian in the olden times.

88,863. Has Edward J. Carey been with you on many platforms?—I would think that Mr. Carey would attend any meeting that I addressed in New York.

88,864. He was a strong supporter of your policy in New York and America?—I think he would be. I have no specific recollection, but I think he would be a supporter of the Land League.

88,865. I call your attention to what Edward L. Carey is reported to have said at this same banquet in honour of the Phoenix Park murderers:—

“I bear, unfortunately, the same name as the informer,” said Mr. Carey, “but  
 “gentlemen, none of the blood of that traitor dog runs in my veins. James  
 “Carey betrayed heroic men who struck a blow for Irish liberty, but he perished,  
 “and so perish all traitors to the immortal cause with which Joe Brady was  
 “associated.”

Who was Mr. Robert Ford?—With reference to Mr. Carey I would not from my knowledge of him think he would speak that way. However, I am not going to contradict what you have read; but it is not in accordance with my idea of him. He was a very inoffensive quiet man, who I think would not do harm knowingly to any one.

88,866. I suppose from what you have said, with respect to other utterances in that paper regarding the Phoenix Park murders, that you would strongly disapprove of that?—Certainly, I would.

88,867. I already gather from your answers that you would not take the same view of an anniversary to the Manchester Martyrs?—No, I would not. I would participate in a ceremony of that kind with a very clear conscience, simply on the ground that I do not believe that the brave and unfortunate man Brett was intentionally killed. If he was it would put a different aspect upon it.

88,868. I only just call your attention that in the report of the “Irish World” of the 28th November, of the New York Manchester Martyrs’ anniversary dinner, at Patrick Ford’s—you were not, I think, in America at that time?—No.

88,869. I wish to call your attention to those who were said to be present—O’Meagher Condon, Austin E. Ford, Arthur Forrester, J. H. Parnell—that was Mr. Parnell’s brother?—That is the name of Mr. Parnell’s brother.

88,870. Edward J. Rowe, Frank Byrne. I can give any learned friend now the date of what he asked for, when I proposed to refer to the National Emergency Fund started by Mr. Ford; the 10th of May 1884, in the “Irish World,” page 8, column 1, Constitution and Byelaws of the Irish National Emergency Association. The name of this association shall be the Irish National Emergency Association.

(Sir C. Russell.) What is the question upon this?



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*The Attorney-General.*) I was dealing with the utterances of Mr. Ford, or the organisation to which he was a party, as inconsistent, as I have stated, with the view that Mr. Ford presented to Mr. Davitt.

(*Sir C. Russell.*) He says that was in 1884.

(*The Attorney-General.*) I will see if I can put it shortly.

“Constitution and Byelaws of the Irish National Emergency Association.

“New York ‘Irish World’ print, 1884. The name of this organisation shall be the Irish National Emergency Association. The branches shall be known as emergency clubs, and each may be designated by such patriotic prefix as the members may choose—as, for instance, the Robert Emmet Emergency Club.”

[A list of appropriate names follows.]

“The object of the Irish Emergency Clubs shall be to co-operate with the active forces in Ireland in every practical effort for the recovery of Irish national independence, to stimulate to deeds of heroism, to punish informers, to reward heroes while living, and to honour their memories and look after their dependents when they have passed from the field of action; and the principal means of this co-operation shall be by the collection of funds, the holding of public meetings, and the cultivation of a healthy public in America. The organisation desires to do its own work without antagonising any other societies, but shall seek to bring within its ranks all who believe in the principles set forth and have confidence in the methods indicated.

“No oath to be taken, but the following pledge:—

“Recognising that a state of war exists between England and Ireland, I (name) hereby declare that I subscribe to the principles and join this Emergency Club in good faith, and agree to pay the sum of \_\_\_\_\_ to the Emergency Fund till such time as its object shall have been accomplished.”

Is the Emergency Fund still in existence?—No. I doubt if there were 20 clubs of this organisation organised, and I know from personal acquaintance I have made with the members of Mr. Ford’s family that the starting of this Emergency Fund nearly ruined his paper.

88,871. Whether it ruined his paper or not, in the first place, do you know what amounts were subscribed?—I do not know.

88,872. Are you aware that up to the 17th May as much as 10,780 dollars had been subscribed?—That would be about 2,000*l.*?

88,873. Yes, 2,000*l.*?—It is not a large sum to destroy the British Empire with, but, unfortunately, it is too large a sum with which to carry out any crime.

88,874 I call your attention to the words “to punish informers, to reward heroes”?—It is hardly enough for that.

88,875. Do I understand you to say that you do not know, one way or the other, that the Emergency Fund existed for years after that, and that larger amounts were paid in?—I do not know; I never learned myself as to the amount of the Emergency Fund, but I should be surprised if it ever reached anything like a respectable sum, because I am sure that the vast majority of the Irish people in America were opposed to any such fund and any such policy.

88,876. I will endeavour, if I can, to get the actual amounts. I understood you to refer, and I am sure some of the witnesses did, to Mr. Belts?—Yes, to Mr. Belts; very well, the Rev. George W. Belts.

88,877. George C. Belts, is it not?—George C. Belts; he is an Episcopalian minister in Louisville, and was in St. Louis for six or eight years.

88,878. I rather fancy that Mr. George C. Belts was one of those who has been referred to more than once?—Oh, yes, he has been referred to more than once.

88,879. As a gentleman advocating moderate views?—Well, I do not know that I would put the Rev. Mr. Belts down amongst the extreme Nationalists, but I certainly would not say he would be a man who would resort to dynamite or approve of dynamite, and it is true to say that Mr. Belts was a supporter of the Land League.

88,880. I call your attention to a speech of Mr. George C. Belts, reported in the “Irish World” on the 21st March 1885.

“He believed that if Emmet were living now——

(*Sir C. Russell.*) Was Mr. Davitt there?



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*The Attorney-General.*) No, certainly not.

“ he would, instead of fighting with pikes and guns, use that other weapon which  
 “ modern science has given to the friends of liberty. (Cheers.) The time was  
 “ when England laughed contemptuously at Ireland's methods of opposing her,  
 “ but now when some Irishman knocks a chip off an English palace—(renewed  
 “ cheering)—England holds up her hands in holy horror and straightway invokes  
 “ public opinion to condemn the act. But no one should hesitate about the  
 “ methods to correct the wrong when Might holds Right under its heels.”

(*The Witness.*) I would be slow to believe that the Rev. Mr. Belts ever used that language. I think if a clergyman, either of the Protestant or the Catholic Church, in America spoke in that way it would be a very serious matter for him.

88,881. I call your attention to the report in the “Irish World” of the 21st March 1885?—Everything reported in a newspaper is not true, Mr. Attorney.

88,882. Do you suggest that that is a false report, an invention?—I have already answered that I should be very much surprised if that language was used by Mr. Belts, and I differ entirely from him. I do not think that if Robert Emmet was alive he would resort to the criminal weapon of dynamite. think

88,883. M. B. Gannen, do you know him?—Only very slightly. I think I met Mr. Gannen once, and that was at the Convention in Chicago in 1886.

88,884. He is the gentleman whose speech is already in?—Yes, the speech delivered by him at Boston on the occasion of Mr. Sexton's presence there has been read, I think.

88,885. Was Mr. J. M. Wall imprisoned as a suspect?—He was.

88,886. I call your attention to a report in the “Irish World” of the Brooklyn celebration, in which it is said that “an address was delivered by Mr. J. M. Wall, a gentleman who had the honour of being one of Chief Secretary Forster's political prisoners during the Land League.” Have you any doubt that that is the same gentleman?—I believe that is the same man.

88,887. That was the gentleman who was your secretary or shorthand writer?—He was my shorthand writer for about three months before I was arrested in 1881.

(*Sir C. Russell*) What is the date of that?

(*The Attorney-General.*) The 14th March 1885.

88,888. I rather gather you do not know, beyond meeting Mr. Wall in America, what he was?—No; I only know he was one of the staff of the “New York Tribune” in 1886. I believe he was associated afterwards with Mr. O'Brien's visit to Canada, and saved Mr. O'Brien's life when he was fired upon by Orangemen in Canada.

88,889. I think I have asked you sufficiently about people you met upon your first visit to America, which was in 1879. Your second visit was in the year 1880. Did you go between 1880 and 1886?—Oh, yes; I went in 1882, about the 9th June, and came back about the latter part of August 1882, or early in September.

88,890. I do not know if we have had any reports. Did you take part in any public meetings during that time?—Indeed I did. I remember addressing 14 meetings in 14 days.

88,891. In 1882?—In 1882, yes.

88,892. Do you happen to have any reports of your speeches here?—I think I have a number of my speeches. I fancy you will find them reported in the “Irish World” of that period. I have not now the reports. I remember one of the speeches was in connexion with the labour demonstration in Union Street, New York, where I rebuked a man who called out “dynamite.” I think that was read by Sir Charles Russell.

88,893. Do you remember delivering a lecture at the Rotunda in August 1885?—I do not know the exact date, but I am sorry to say I have delivered quite a number of lectures there. Was this a lecture with reference to the James Stephens Fund?

88,894. It had reference to the 20 years of Irish history?—That is it. I have a report of that here, I think.

88,895. I have put several questions to you with reference to what I suggest, namely the origin, the spring of this League, the Land League and the National League, that it was with a view to remove the English garrison, so that it would lead a step to Irish independence?—That was the way I put it.

88,896. Let me call your attention to the statement respecting the matter in August 1885. I read it from “United Ireland” of the 1st August 1885?—I have got a full report of it, if I can find it.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,897. I have it from "United Ireland"?—I think you will find a fuller report in the "Freeman's Journal." "United Ireland" is a weekly paper, and will possibly condense it.

88,898. Will you allow me to read what I have?

(*The President.*) I thought you were on the point of finding it, Mr. Davitt?

(*The Witness.*) Yes, I have a full report of it from the "Freeman's Journal" somewhere, and I would like to follow the Attorney while he reads from it. No, I have left it behind me at the hotel, thinking I might diminish the documents from the number of days I have been under examination. I made a mistake.

88,899. (*The Attorney-General.*) It is the 1st August 1885.

"Mr. Davitt then proceeded to refer to the origin and motive of the Land League. The rise and partial fall of the Land League movement is too recent to permit the formation of unbiassed judgment as to its work. Born of the people, it inherited the people's weakness along with the people's might. If it won nothing else but the admission of England's statesment that its unwritten law constituted the *de facto* government of Ireland, it would have deserved well at the hands of Irish Nationalists all the world over."

I stop for a moment to ask you that was your opinion, was it not?—Evidently, if I so expressed it. I might have been exaggerating the importance of the Land League because I was its founder, but I am not going back from that statement now.

88,900. And it does not unfairly represent your opinion?—Well, I am subject to the weaknesses of human nature, and very apt to laud my own work.

88,901. We will take it that you, not unnaturally, desired to do that which you say?—Yes. I think that was from a quotation from a speech made by Sir Stafford Northcote in the House of Commons in 1881.

88,902. You do not suggest it is untrue?—No.

88,903.—

"It is true it was a new departure in Irish national effort. The appeals which it addressed to the Irish peasant mind were not born of the exalted patriotism of Thomas Davis, and did not excite to a practice of the virtues of disinterested patriotism. It appealed to self-interest, I admit, rather than to self-sacrifice; but who will say that in this instance the end did not justify the teaching, when no other would have aroused the tenant-farming class to an assertion of their unquestioned social rights, and a vindication of their despised and trampled manhood. (Cheers.) The stigma—if stigma it is—of selfishness has been cast at the Land League. But by whom? By that very class which has elevated property into a social deity, and who have made self-interest the ritual of its worship. The Land League has been denounced for having changed the character of the Irish peasant. Yes. The landlords would have preferred that he should remain the ignorant, rent-paying, soulless helot who, next to what was due to God, would place in moral obligation the tax upon his industry that was exacted by his landlord; they would have preferred that his political education should have halted at the formula of Palmerston, that tenant right was landlord wrong. It has been charged against the Land League movement that it relegated the national question to the background in the popular movement, and did nothing to advance the interests of nationality with the vast resources entrusted to it. This charge I deem to be as unmerited as it is obviously unjust."

88,904. That you represented to be so?—Certainly.

88,905.—

"I claim that the movement of the Land League did more to weaken alien

"rule in Ireland than any and every movement that has sprung up since 1798."

That you expressed?—That I expressed. I may have been mistaken. I may have been exaggerating, but I believed it at the time that I said it.

88,906. By alien rule you meant the English rule in Ireland?—Castle government.

88,907.—

"Its enemies have made the admission. It welded the Irish people the world over into one great organisation against the citadel of Castle-landlord domination; it proclaimed the great truth, that a pauperised country could never lift



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

“ itself to the dignity of a nation until the cause of its beggary was destroyed;  
 “ and it banded its exertions, therefore, to the destruction of Irish landlordism.”

Listen kindly to this, please :—

“ This vile demoralising system is not yet overthrown I admit. Far from it,  
 “ I regret ; but the means for its complete annihilation are, thank God, always  
 “ within reach of our people, and eternal justice itself has decreed its doom.”

I must pause for a moment to ask you, do you think that that speech would be calculated to inflame your hearers against the landlords?—No, it might arouse their feelings against the system. I have never preached any crusade against any individual landlord in Ireland, and I challenge you to find a speech of mine in which I have done it.

88,908.—

“ But the Land League worked directly as well as indirectly in the advance-  
 “ ment of the National cause. It captured the municipalities and other public  
 “ boards nearly all over Ireland from the hands of the West Britons.”

Who were the West Britons?—The anti-Home Rulers.

88,909.—

“ It taught the country that whenever there was a representative post  
 “ occupied by an enemy there a Nationalist should be placed ; and it began the  
 “ work of driving out the anti-Nationalists from such positions when it evicted  
 “ the landlords from the constituencies in 1880 and enabled Mr. Parnell to return  
 “ the men who elected him to the leadership of the Irish parliamentary party.  
 “ (Cheers.) From its ashes, as you know, the present National League has  
 “ sprung ; and with all this record of solid work performed for the National  
 “ cause, the Land League can well afford to wait the favourable verdict of  
 “ impartial Irish history.”

Anything that you wish to be read qualifying what I have read it can be read for you afterwards?—I think you have given a very fair extract.

88,910. Mr. Redmond was at that meeting, I think?—Both the Mr. Redmonds, I think, were there.

88,911. I am referring to Mr. William Redmond?—Yes.

88,912. Do you recollect his speech?—I do ; I remember all the speeches made on that occasion.

88,913. Was it a violent speech of Mr. William Redmond's?—I would not call it violent. Mr. Redmond is an enthusiastic Nationalist ; I do not think he has any violence in his nature. I remember there was an attack made on me there by some member of the Parliamentary party who believed I was unjust to Mr. Parnell in that very speech.

88,914. I will find a report and put it in of a speech of yours ; and I am exceedingly sorry that I am not able to find it now?—I may possibly have it, if you will tell me what it is.

88,915. I want a report of your speech at Swords, from “ United Ireland ”?—Here it is. I think that is from the “ Freeman's Journal.”

88,916. I mean a speech at Bodyke in the “ Freeman's Journal ” of the 3rd of June 1887?—I have not got it.

88,917. Did you speak at Bodyke in June 1887?—Oh, several times.

88,918. June 1887 is the time I am referring to?—I made some very strong speeches there during what has been known as the Bodyke eviction fight.

88,919. I should like to have the exact report, but I will put this to you. I suggest that you said :—

“ I trust that every young man here to-day will have registered in his heart  
 “ a vow which I made 30 years ago, to bear towards England and England's  
 “ Government in Ireland all the concentrated hatred of my Irish nature.”

Do you remember that?—Yes, I remember using very strong language of that kind, and possibly that is an accurate extract from the speech. The whole speech was a very strong speech, and I used language of that kind. I think I made some correction



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

the following day, either in the "Freeman" or the "Press Association" of that extract.

88,920. Did you say this:—

"I . . . and . . . others have been preaching to our people for the last six or eight years, 'Do not commit any outrage; do not be guilty of any violence; do not break the law.' I say it here to-day, and I do not care who takes down my words. I am heartily ashamed of ever having given such advice to the Irish people . . . Would to God we had the means—the weapons by which freemen in America and elsewhere have struck down tyranny."

Did you say that?—Yes, I think my correction was with reference to one expression that I did not regret that I denounced outrage. I delivered that speech while suffering great excitement. I was witnessing evictions all the day, and I saw a poor old woman of 80 years of age dragged out of her own house by emergency men and the officers of the law, and I spoke under strong feeling.

88,921.—

"We will make our children repeat the experience of to-day and swear, as many of us have sworn, to carry on this fight at any cost to ourselves, till landlord tyranny and English government are destroyed in Ireland."

—Yes; I may perhaps be permitted to say that the following morning, and every morning during the evictions, accompanied by Mr. W. J. Kenny, the member for the district, I visited every house from which the people were to be evicted and removed every weapon, pitchforks, and everything that might be used by the maddened people against the officers of the law, and you will find there was no serious outrage committed down there, and the people ultimately won the fight, and the landlords and themselves are getting on very well now.

88,922. Where is the correction of anything?—I am only speaking from recollection. I think I did correct some sentence there with reference to hating England in Ireland. The correction was English Government in Ireland as represented by Castle rule.

88,923. What paper?—I think it was either the "Freeman" or the "Press Association." I do not know.

88,924. I will try and find out?—It was a trivial correction.

88,925. It does not alter the substance of what I put to you?—No, it does not. I feel very strongly on evictions, indeed I do not like going to evictions because they excite me, and I think they are the cause of most of the unhappiness and all the agrarian crime in Ireland.

88,926. I think in the same month within a week (at page 2267 already read by Sir Henry James) you said,—

"I have not learned the language or the habit of the hypocrite, and I will not take back one syllable uttered by me in Bodyke while gazing with burning heart at the dastardly deeds perpetrated by England's armed mercenaries at the behest of an accursed land system."

Do you remember?—I do, and I felt so strongly at witnessing those evictions that I believe if I could have collected arms enough in the county I would have risked my life to have stopped those evictions. I think it is a crime against civilization, against everything that man holds dear, to have houses built by the peasantry torn down and the people driven out because they owe a few pounds to an absentee landlord.

88,927. Did you see anything of Mr. P. J. Sheridan after you went to America?—No, I have not seen Mr. Sheridan since, I think, 1881, some time before I was arrested.

88,928. You knew him while you were working for the Land League?—I did. I knew that he was an organizer.

88,929. You saw him from time to time?—I did, but not often. Mr. Sheridan and I were never what you would call intimate friends.

88,930. He left, I think, about the early part of 1883, did he not?—I do not know. I do not know that he was in Ireland at all in 1883.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

88,931. You did not see him at any rate in Ireland after the beginning of 1883?—I did not.

88,932. Did you see Brennan in America?—Oh, yes. Brennan is a most intimate friend of mine, and now, I am happy to say, a very prosperous merchant in Omaha.

88,933. You never saw Brennan after 1883?—I saw him in Ireland, either the latter part of 1882 or the beginning of 1883.

88,934. My question is the beginning of 1883. You never saw him in Ireland after that date?—No, I did not.

88,935. Mr. Patrick Egan you never saw in Ireland after the beginning of 1883?—No, nor hundreds of thousands of others who left Ireland for good to go to America. Unfortunately our people do not come back. I wish they did.

88,936. I am giving you a particular date, the beginning of 1883. Mr. O'Rorke, you never saw him in Ireland after 1883?—What Mr. O'Rorke?

88,937. A partner of Egan's?—Mr. O'Rorke is a co-director with myself now in the North City Milling Company. He is one of the most respected merchants in Dublin, and I wish Ireland had a few more such sterling men.

88,938. Mr. O'Rorke is in Dublin?—Certainly. Mr. O'Rorke has never been charged with anything but being a highly respected man. He was, like many more such, arrested and put into prison without a trial in 1882.

88,939. Did Mr. O'Rorke not go to America?—When?

88,940. At any time?—Oh, certainly.

88,941. When?—He paid a visit to Mr. Thomas Brennan, who is his nephew, and to Mr. Egan, who was once his partner in 1886; and if you will pardon me for correcting you in one point in your opening statement, I think, Mr. Attorney, you referred to Mr. O'Rorke as the brother-in-law of Patrick Egan. That same statement was made by Le Carron and by other of your witnesses, and there is no relationship whatever between them.

88,942. I am not on the question of any statement of relationship?—But it shows that your "Times" witnesses carefully read your statement.

88,943. I have already said I made a mistake about O'Rorke. I was confusing him with another name for the moment. I was thinking of another name altogether. I got confused by the similarity. I quite understand Mr. O'Rorke did not leave. He has been over to America as a casual visitor?—He went over to visit his nephew, Brennan, and his previous partner, Egan.

88,944. You say no charge or suggestion was ever made against him?—No, he was never connected with any revolutionary or secret society.

88,945. Do you know where Mr. Boyton is now?—I have heard that he is in South Africa; but I have no knowledge. I have had no communication whatever with him. I saw him in London last in 1884 or 1885. I am not sure which.

88,946. Mr. Frank Byrne; I suppose you have never —?—No, I met Frank Byrne possibly about three times in my life.

88,947. What years were those?—I think I knew him in Manchester in 1868 or 1869. He kept a small stationer's shop in Oldham Road or off Oldham Road, and I met him here in London on the evening of my release from Portland on the 6th May 1882.

88,948. Was Mr. Byrne a Fenian?—Well, I think he has said so himself and I would not contradict him.

88,949. Did you see him after 1882?—No, I have never seen him on any of the occasions of my visits to America. He has been pronounced opponent of mine, and believes that I have done a great deal of injury to what he calls the Irish cause.

88,950. Did you know his wife, Mrs. Frank Byrne?—No. I may have met his wife in Manchester in 1868 or 1869, but never since. I have no recollection of ever seeing her since.

Re-examined by SIR CHARLES RUSSELL.

88,951. Mr. Davitt, you have been examined now for about two days or more. I wish to put this question to you which has not been put by the Attorney-General. You are aware you have been charged with connivance at the Phoenix Park murders, and with the systematic use and encouragement of and connivance at crime and outrage. Is



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

there any truth in that allegation against you?—None whatever, I would be very sorry if there was.

88,952. You understand that is the charge made against you in these libels?—Yes, but like many other charges it has not been substantiated.

88,953. I will ask you about some names which have just recently been put to you by the Attorney-General. Sheridan, I understood you to say, you were never intimate with?—Not intimate with.

88,954. And have not seen him so far as you recollect since 1881?—No, I have not seen Mr. Sheridan since. I believe he is now out in Colorado on a ranche, a sheep farmer. But Mr. Sheridan was a very respectable man in his part of the country and was very highly thought of.

88,955. What was his part of the country?—Sligo. He is a kind of man that would not be suspected of doing any crime, or having anything to do with assassination. That is his general character.

88,956. What do you know of Boyton? What countryman was Boyton?—Boyton was born in Kildare, but he spent some 10 or 12 years in America, I think, before the Land League movement began.

88,957. I think we have heard that he claimed American citizenship?—Yes, I think he became an American citizen.

88,958. What did you know about him? Were you at all intimate with him?—I think it was on my recommendation he was appointed as an organiser of the Land League; but I am not certain.

88,959. For what district, do you recollect?—I think it was for part of Leinster.

88,960. You have been here during the greater part of this case. Can you recall anything alleged against Boyton?—No, I do not. I would be very much surprised if anything could be proved against Boyton in the way of carrying out crime, or sympathy with crime. I think Boyton never belonged to any secret society.

88,961. Now, as regards Byrne. We have heard that Byrne was secretary, I think during the late Mr. Isaac Butt's time, to the Home Rule Confederation?—Yes.

88,962. Was his business principally in that connexion confined to England?—Confined to England exclusively. He had never anything to do with the Land League of Ireland.

88,963. Now I just take these topics up as you have been recently asked about them. You have explained the circumstances of excitement under which you made your speech at Bodyke, which has been referred to?—Yes.

88,964. The quarrel between the landlord and the tenants there has since been composed, has it not?—Yes, I think the landlord, Colonel O'Callaghan, gave even better terms than those first demanded by the tenants, and I have learned from Father Murphy recently that landlord and tenants are living happily together.

88,965. In reference to this speech or lecture which you delivered, "20 years of Irish history," on the 1st of August 1885 in the Rotunda, I think you said——?—Yes.

88,966. You have been asked whether you heard the speech of Mr. William Redmond. Is he the younger of the two Redmonds?—Yes.

88,967. Were there also present on that occasion Mr. T. Harrington and Mr. John Redmond?—Yes.

88,968. I think they took exception to your speech?—Mr. John Redmond took very vigorous exception to what I had said about the parliamentary party.

88,969. They thought you had not given sufficient credit to Mr. Parnell and his parliamentary party?—And very likely I did not. Just at that time there was a quarrel between myself and the parliamentary party because I was the only one in the movement that objected to the Parnellite Tory alliance in 1885.

88,970. And you had a strong difference with them upon that ground?—Yes.

88,971. Till that alliance came to an end?—Yes.

88,972. I will now begin at the beginning of the matters as to which you were asked. You have said that assassination was not approved of by the leaders of the Fenian body, and that you always disapproved of it?—Certainly not, it never was approved. I never directly nor indirectly had anything to do with any such crime.

88,973. In reference to this letter which, as my Lord has, obviously correctly, said, bears on the face of it a different meaning from that which you have given, I wish to ask you one or two questions. First of all, could you have given the explanation which you did give afterwards to your friends, and many times publicly, without implicating the two persons who are designated under the names of Fitz and Jem as being parties



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

in an illegal confederation or conspiracy, the Fenian conspiracy?—I could not possibly do so. The day will come (I am sure of it) when those gentlemen from America will substantiate what I said here, and I trust the man who is responsible for the whole thing will do me the justice of telling the truth also.

88,974. Well, you have made an appeal publicly?—Which I hope sincerely will be responded to.

88,975. In your examination here, I wish to ask two further things upon that. You have pledged your oath first of all that when this matter was mentioned you yourself remonstrated with the young man who proposed it?—I did in the first instance.

88,976. You then afterwards heard when in Scotland that he was persevering notwithstanding your remonstrance?—Yes.

88,977. And you then wrote this letter making it a condition that before he did anything he should consult these two persons?—Precisely.

88,978. And you wrote to those two persons?—I wrote to them very strongly urging them to warn him that if anything of the kind was attempted he would be held accountable.

88,979. I do not want to go over it again. I want to finally ask this—as a matter of fact your remonstrance had effect?—Undoubtedly.

88,980. And nothing happened to the object of this man's animosity?—Nothing whatever; and I have here the report of Forrester's examination before the magistrate in Liverpool, and it was on his person that the letter was found. He was simply bound over to keep the peace.

(*Sir C. Russell.*) My Lord was good enough to suggest that the articles you refer to should be handed down, and I find in one of those articles this statement.

(*The President.*) Which of the articles is that?

(*Sir C. Russell.*) It is an article in the "Times" of 19th July 1870.

88,981. It is an article, the tone of which you do not make any complaint of?—It is an article on my conviction.

(*Sir C. Russell.*) It is rather to call attention to this passage from the observations of the Chief Justice, not in the summing up, but earlier in the case:—

"The Chief Justice seems to have intimated a doubt whether it would not  
"have been better to have been satisfied with the seizure of the arms in question  
"rather than have instituted this proceeding."

88,982. Is it a fact that until this letter was put in against you the Chief Justice took, what I may call, a lenient view?—Of course, I cannot say what was in the Lord Chief Justice's mind; but, undoubtedly, he believed that letter.

(*The Attorney-General.*) Anything that appears in the report, well and good; but I object to this.

(*The President.*) I think, Sir Charles, you should content yourself with what is in that.

(*The Attorney-General.*) That is what I was venturing to submit.

(*Sir C. Russell.*) I can make it apparent, my Lord, in this way.

(*The Witness.*) I think it is only fair to the "Times" to say in that connexion that that is a quotation from the Lord Chief Justice's observations to the grand jury,

88,983. That is what I wanted to get?—And subsequent to that this letter was produced, and I believe it prejudiced the mind of the Lord Chief Justice very much against me.

88,984. That is simply the fact I wanted to get. It was after that observation that prominence was given to this letter?—Yes.

88,985. (*Sir C. Russell.*) The other article referred to I do not think I should refer to?—I would respectfully claim it as a right.

(*The President.*) You must leave that in the hands of Sir Charles Russell.

(*Sir C. Russell.*) I submit to your Lordship. It is an article in which the "Times" seems to justify in one sense political assassination.

(*The Attorney-General.*) I am asking for this article about the conviction.

(*The President.*) Well, we can no more have that than a disquisition upon the death of Cæsar.

(*Sir C. Russell.*) I do not think I ought to press it in this connexion. It may be referred to hereafter.

88,986. Then in the article also there is a reference to your generosity in making an



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

appeal for your fellow convicts?—Yes, the “Times” was a little more generous in those days than it is now.

88,987. I think you have also said that you had never seen your counsel at all who defended you on that occasion?—I never spoke to him at all.

88,988. And so far as the question of conducting your defence was concerned Forrester was called against your will?—Against my expressed will and direction to the attorney that was managing the case. But Forrester insisted upon coming forward to clear himself, because the letter was found upon him in Liverpool.

88,989. I wish further to make this clear. Apart from the letter the evidence was the evidence of the man Corydon as to your supposed presence at Liverpool?—Yes.

88,990. Were you in Liverpool at all?—I was not. I was not at all present at those meetings; he swore I attended, and at which meetings the subsequent Fenian rising in Ireland was planned. I was working in a post office 50 miles away at the time.

88,991. I am not sure I have asked you before, but as a matter of fact, had you ever seen Corydon before you saw him as a witness?—Never in my life. I never saw him.

88,992. Or spoke to him?—I never spoke to him until he confronted me in the witness box.

88,993. I presume that when you were taken up on this charge you remained in custody until you were tried; you were not bailed out?—No, I was not.

88,994. After your conviction you were sent formally to your sentence and remained in prison?—Seven years and eight months.

88,995. In reference to this attack on the prison van at Manchester I have only to ask you one question. You have made your statement from your point of view as to what you regarded as the true account of that matter that the young men, however illegal their act, had no intention to commit murder?—That is my firm belief.

88,996. What ages were these three young men who were in fact hanged. Allen, Larkin, and O'Brien?—I remember meeting Allen once in Manchester. I would say he would be about 19 or 20. I may not be very accurate.

88,997. Larkin?—Larkin was an older man.

88,998. O'Brien?—O'Brien had been an American officer, I think. He would probably be about 28 or 30.

88,999. Then the youngest of these was Allen?—Allen who was a young Irish Protestant.

89,000. You have been asked a question but I do not think anything was followed up in relation to it?—I might perhaps be permitted to say, Sir Charles, with the kind permission of the Court, that there was another man sentenced to death on the same evidence as that which convicted Allen, Larkin, and O'Brien, and he was afterwards respited.

89,001. We have already had that fact. You were asked a question which I think was not definitely followed up in relation to the “Irish Felon,” that was a paper, was it not, which was started and edited by Mr. John Martin after John Mitchell's conviction?—I think so.

(The Attorney-General.) No.

(The President.) I think the only object was to trace the history of the Land League or the land movement.

(Sir C. Russell.) Or the land idea.

(The President.) Suggesting that it was due to Finton Lalor, and probably it was due to him.

(The Witness.) Yes, he advocated similar ideas to those which I tried to express in the Land League movement.

(The Attorney-General.) I only venture to interpose, because I think Sir Charles was wrong in stating it was John Martin.

(Sir C. Russell.) I think I am right, but it is of no importance. Lalor was a contributor probably.

89,002. You have told us already, and it appears in the letter which has already been read, that you had while in prison been turning over in your mind a scheme for withdrawing your countrymen from secret organisations and conspiracies, which had failed in the past, and devoting their efforts to some open movement?—Yes.

89,003. For the redress of practical grievances?—Yes.

89,004. Not losing sight of the ultimate point of Irish self-government?—Oh, no, not at all.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

89,005. And believing that your movement on the land question would not weaken but would strengthen the claims of the Irish people to self-government?—Exactly.

89,006. And that is your position?—Yes.

89,007. Which you have always avowed openly?—That was my position then. That is my position now. I have never disguised it.

89,008. I see that in a letter which has already been read (at page 3739 appears the passage in question) written to the "Standard" you say this. This is immediately upon your release on the 6th of May?—Two days after the unfortunate events of the 6th of May.

89,009:—

"I will only ask if it be just to hold that the man of mature years must be held to the opinions of his youth. And this, at least, let me say for myself. If in the hot blood of early manhood, smarting under the cruelties and indignities perpetrated on my country I saw in an appeal to force the only means of succouring her, there has dawned upon my graver thoughts in the better solitude of a felon's cell a nobler vision, a dream of the enfranchisement and fraternisation of peoples, of the conquering of hate by justice."

Does that or not honestly express the key-note of your action since you emerged from prison?—It does. I have endeavoured every year since then to bring about a closer understanding and a closer friendship and alliance between the democracy of Ireland and the democracy of Great Britain, believing that the people's cause is one the world over.

89,010. Believing what you consider the oppression of the English Government in Ireland was not the oppression of the English people?—Certainly. When the English people had not the extended franchise they have now they could not be held politically responsible for the government of Ireland. When the franchise was extended they changed their policy. Now it is more friendly.

89,011. I am following still rather irregularly as they came the topics touched upon by the Attorney-General. He has asked you a question about Mr. O'Kelly. Since Mr. O'Kelly became a colleague of Mr. Parnell have you any reason to believe that in any shape or fashion Mr. O'Kelly was in any way connected with any Fenian organisation?—I am absolutely certain he was not, because I know he has incurred with myself a good deal of hostility at the hands of extremists on both sides of the Atlantic for our joining Mr. Parnell's movement.

89,012. I wish also to ask you this, still following the order in which you were interrogated. You have spoken of the skirmishing fund as being originally started by O'Donovan Rossa?—Yes.

89,013. And afterwards taken out of O'Donovan Rossa's hands?—Yes.

89,014. By whom was it taken out of O'Donovan Rossa's hands? Just explain what you mean?—I think by the committee, the names of which were read by the Attorney-General yesterday: Dr. Carroll, Patrick Mahon, of Rochester, John Devoy, Breslin, and Augustine Ford; and I honestly believe that Dr. Carroll, of Philadelphia, and Mr. Mahon resorted to that step in order to prevent Rossa from doing mischief with the fund. They were men who would not on any account sanction the blowing up of buildings by the explosion of dynamite.

89,015. That leads to this question which I wish to make clear. You have spoken in answer to questions put to you of Dr. Carroll and others as being what you would call the extreme section of Irish politicians in America. What did you mean by that?—In speaking of Dr. Carroll and Mr. Mahon as extremists, I would not say they were extremists in the sense that Rossa is. They would be in favour of complete national independence as against Federal Home Rule.

89,016. But what I want to put to you is this. Take Dr. Carroll, Mr. Mahon, and Alexander Sullivan?—Certainly. I would include Alexander Sullivan in that.

89,017. From anything you have ever known of any of those men, would you suggest that they have ever been advocates of a dynamite policy?—I would not.

89,018. Now, you have been asked a good deal about John Devoy and John Devoy's mission to Ireland in 1879. You have heard read, have you not, what purports to be a report from John Devoy as to what he describes as the rather feeble condition of the Fenian movement in Ireland?—Yes, I listened to that report.

89,019. Would you reckon John Devoy as an advocate of dynamite or not?—No, I



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

would not. John Devoy now is a very pronounced enemy of mine, but I certainly would not class him with those who are in favour of dynamite. I do not say but what he may have made a speech in that direction on one or two occasions, but speaking from my knowledge of him in those years I would certainly not class him with the dynamite party.

89,020. Now you have said that the Supreme Council whose meetings you have referred to would have nothing to do with Devoy's proposal or with the constitutional movement?—Nothing.

89,021. Nothing whatever?—Nothing whatever.

89,022. What do you suggest is the difference between your suggestion of an open movement and the suggestion which came from Devoy as to his movement?—John Devoy's suggestion, as contained in those propositions cabled from New York was that there should be an active alliance between the revolutionary party and the constitutional party. I never proposed that.

89,023. Now I wish you to define your position as contradistinguished from that?—My position was that the extreme Nationalist party in Ireland should give up secret societies—the system of secret organisations—and come out boldly into a public policy of their own, not in antagonism with the constitutional policy.

89,024. In other words, you did not decline, but rather sought, the help of all classes?—Certainly.

89,025. Whether they had been Fenians or not?—Of all individuals, but I never advocated, because I knew the thing would be absurd and impossible, an alliance between an obviously illegal organization and an organization which was to work by legal and constitutional means.

89,026. In other words, you would like the assistance and presence of individual members of the body?—Certainly; always did.

89,027. And would be glad to have them won over to your side?—Yes, I always did that.

89,028. Now, the Attorney-General has frequently asked you (I did not quite understand what was meant by it) whether you had in any speech asked the Fenians to suspend their operations. Will you just tell the Court what was your view of the effect of the open movement. What has been the effect of the open movement upon secret organizations both in America and in Ireland?—Well, in Ireland it has almost destroyed the secret societies. It has destroyed the I.R.B. It has taken away the young men from its ranks who belonged to it in years gone by. It has given to the whole country a hope and a confidence that everything that is required for Ireland short of complete independence can be got by Mr. Parnell's method. The effect of his movement and of the influence he exercised over the Irish people in America has been very marked. I do not know what the strength of the Clan-na-Gael is there to-day, but I know that the vast majority of the Irish people in America are hearty supporters of Mr. Parnell's policy and are opposed to any policy that would run contrary to that.

89,029. In that connexion I, a little out of order, will refer to one of the last things which were put to you. You were referred to the "Irish World" of the 10th May 1884, in which Mr. Patrick Ford appears to have advocated an emergency fund?—Yes.

89,030. In reference to which you said that that proposition of his had nearly ruined his paper. Will you tell the Court why and how?—An immense number of those who had taken his paper disapproved entirely of the policy of the emergency fund, and they fell off, and I was told that the paper was brought to the doors of ruin in consequence of that policy.

89,031. In other words, the subscribers who, I presume, were principally from the Irish-American class?—Yes; principally from the working classes among the Irish-Americans.

89,032. They dropped subscribing to the paper, and disapproved of that policy?—Yes.

(*The President.*) I am sure I do not want to invite anything more than we have got, but we have never had the constitution of this National Emergency Association, and do not know what it was for.

(*Sir C. Russell.*) The Attorney-General did read a portion of it.

(*The Witness.*) This morning; yes.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*The President.*) No; I think he threatened us with it on another occasion.

(*The Attorney-General.*) No, your Lordship will pardon me; I read the objects of it. I was perfectly willing the whole of it should go in from the paper itself. Of course, I do not invite hearsay statements about it, but I rather deferred to a suggestion of Sir Charles Russell that it would be sufficient if I got the objects of the fund, and afterwards proved, if necessary, the total amount subscribed.

(*The President.*) I daresay it is my fault, but I missed what those objects were.

(*The Attorney-General.*) It will be upon the note to-morrow.

(*Mr. Justice A. L. Smith.*) The Attorney-General said it was the punishment of informers and reward of heroes.

(*The Attorney-General.*) That is a summing-up. I read it.

(*The President.*) Yes, I tried to catch it, but failed.

89,033. (*Sir C. Russell.*) Now I want to ask you this, still following the order in which you were interrogated. You were asked whether you had subscribed to assist in the defence of two persons called Weldon—McHugh, in 1877?—Yes.

89,034. And I think you said you either had or would be glad to think you had?—I think I had. I think I did subscribe to a fair trial fund for them, and they were subsequently brought to trial and acquitted as innocent of the charge.

89,035-6. Whether the feeling be well-founded or ill-founded, or from whatever cause it arises, is it a fact that there is a very widespread distrust of a great part of the administration of law in Ireland? I am speaking of the criminal law?—There is now and always has been as long as I can recollect, but with reference to subscribing to have a fair trial got for people accused. It is a notorious fact that the Government in Ireland very often defrays the cost of the defence of prisoners; for instance, the Government defrayed the cost of the defence of some of the men charged with the Phoenix Park murders.

89,037. Yes, that is so. I do not know whether I understood the suggestion (I may have misconceived it) but a number of names were put to you, which I have got here, Neill, Torley, Fitzgerald, Kickham, McInerney, John Devoy. They were put to you, as I understand, as suggesting the names of persons whom you had met some time or other in London in secret conclave?—Yes.

89,038. Is there any foundation for such a suggestion?—No, I never met those gentlemen in secret conclave in the sense mentioned by the Attorney-General.

89,039. What I mean is some of them I think you said you did not know, but the majority of them you said you did know?—Yes, individually.

82,040. My point is, had you ever met them at any concerted meeting at which these men attended?—No, not at all.

89,041. Again, you have been asked about your visits to Connemara, and to various other parts of the country, and as to your seeking out or making yourself acquainted with persons who were prominently connected or had been prominently connected with the Fenian movement, and you have given your answer about that. I wish broadly to put this to you: Did you upon every occasion that you could address those who would be likely to be opposed to the Land League movement, so as to get them to join in the Land League movement and stay their opposition to it?—Certainly.

89,042. Whether they were Fenians or whether they were not Fenians?—Whether they were Fenians or whether they were Orangemen.

89,043. Whether they were suspected to be Fenians or Orangemen or any other class?—Certainly.

89,044. Did you pursue in relation to the Fenians or any of the Fenians any attempt to constitute an alliance with them?—I did not.

89,045. In any shape or form?—I did not.

89,046. And, so far as your knowledge goes, is there from the beginning to the end of this story (whatever its difficulties may be) any ground for suggesting, as far as your knowledge extends, that there ever was such an alliance?—There is not one word of truth in it.

89,047. Whether it relates to the I.R.B. in Ireland or to the U.B. or Clan-na-Gael in America?—Whether it relates to them or to any secret revolutionary body whatever, Mr. Parnell would never sanction any such alliance—would never be directly or indirectly connected with a revolutionary body of that kind.

89,048. In reference to the spread of the Land League, you have told us already that Mr. Parnell at first was greatly opposed to it upon the ground that it would be difficult



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

for the central body to keep control over the branches?—Yes, he had then, and I believe he has now, a strong objection to an extensive organisation.

89,049. Starting in 1879, except in some of the western counties, was the progress of the Land League at first slow?—It was exceedingly slow until the Government, fortunately for the Land League, foolishly for the landlords, prosecuted myself and others in Sligo in the latter part of 1871. It was confined practically to Mayo and Sligo until that time. The prosecution attracted an immense amount of attention. Then it extended into Connaught and into a few other counties.

89,050. Do you recollect a little later any Parliamentary event happening which gave it still greater impetus?—Yes, that was while I was absent in America in 1880. The Compensation for Disturbance Bill was, I think, defeated by the House of Lords, and this had an immense effect in Ireland. It brought a large number of very moderate men into the Land League.

89,051. Who had theretofore stood aloof?—Who had stood aloof from it: and in fact the organisation then extended into every corner of Ireland.

89,052. In your judgment, at that crisis, was a starting of the combination of the tenant class in Ireland a necessity of the case?—Absolutely a necessity to avert what would have been a far greater trouble than even that which occurred afterwards, in my opinion.

89,053. Now, in reference to the questions which have been put to you as to your answering the appeal or letter which Mr. Hegarty, of Millstreet, addressed to you, you have told us what your recollection was?—Yes.

(*Sir C. Russell.*) My Lord, I wish in this connexion, and I think it is important, to call your attention to Mr. Justice Barry's charge (he then was Mr. Justice Barry; now Lord Justice Barry) on the trial of certain persons for boycotting from the "Cork Herald," of the 25th March 1881. Mr. Justice Barry said in that case:—

"A great deal has been said about the Land League, but, so far as he could observe, the Land League had nothing whatever to do with this case. There was no question between landlord and tenant, no question of land connected with matters so much discussed throughout the country, with reference to which this organisation, the Land League, had been formed. The suggestion of the Crown was that Murphy——"

That was one of the prisoners or defendants, my Lord—

"having some animosity against Jer. Hegarty about a road contract, he (Murphy) being a member of the Land League, or having some influence with that body. that he made use of his position in connexion with the Land League for the purpose of carrying out his own private spite. That was the case made by the Crown. If the offence was committed, whether it was for the purpose of the Land League or for the purpose of gratifying a private feeling, the jury had nothing to do with. There was some suggestion that a resolution had been passed by the Land League, but that resolution appeared to have been passed because Mr. Hegarty had made some attack on a man named Nunan, a member of the Land League, but it had nothing to do with the attempt to injure Hegarty in the carrying on of his trade; therefore the Land League had nothing whatever to do with the case. The charge before them was that the name of the Land League, or its powers or organisation had been made use of for the gratification of private spite. So much for the question of motive.

"In a subsequent passage he said:—

"The conspiracy was charged by the Crown to have been in full operation on the 22nd December, and the resolution of the Land League was not passed until the 24th, so that it could not affect the case. The Land League had no more to do with the case than with what was going on in the Transvaal at present."

89,054. I do not know whether your knowledge of this matter does suggest that—at all events at this time—Mr. Hegarty's boycotting was the result of some trade jealousy or dispute?—I think I suggested that in my questions to Hegarty when he was here; that the annoyance given to him might have arisen out of some local dispute.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

89,055. And under the colour of the Land League the particular individuals had been gratifying their spite?—Yes. Then again the people in the locality turned against Hegarty because he was one of themselves, and he went over to the landlord's side. His father died of famine, I think, in the workhouse in Millstreet in 1848.

89,056. The letter addressed to you, I think, was in the year previous to this, that is to say, 1880, December 26th, 1880, and this trial was in 1881. Now you have been asked some question about land-grabbing. I should wish you just to tell me this. You have said that you never did denounce any individual landlord, but waged war against the landlord system?—Against the system which gives the power to individuals to carry out evictions and rack-renting, and other things of that kind.

89,057. Now as to land-grabbing, what was your justification, or the view you took in relation to the danger to the peace of the country from land-grabbing?—I knew from my study of the Irish agrarian question and my reading of Irish history that the taking of farms out of which peasants were evicted generally led to outrage and crime, and I was anxious to avoid anything that would lead to outrage and crime, knowing very well that crime and outrage would do incalculable injury to the land movement and the cause of the Irish tenant farmers. Then again I looked at it in this light—that a family might be on a holding for a whole generation, might have put their lives' labour into their little land and into the house; then, because in a bad season or under a misfortune they might fall into arrears in rent of a few pounds, they would be turned out of that house and off that land, and driven into the workhouse.

89,058. Of course it is a misfortune to have land vacant and not producing what nature intended for the benefit of mankind?—If a man went and took land as a means of earning his living, if he had no other resource, I certainly would not be opposed to that, because I think any human being has a right to free access to that which God created for his sustenance. But the land-grabbing I denounce is where a man has a farm of his own, and where he goes and takes a farm occupied by a neighbour under the circumstances I have mentioned.

89,059. Your experience and your reading of past Irish history has shown that constantly led to crime?—Yes; I can give innumerable instances I have copied from the London "Times" of past years when men were shot for taking land and paying rent, and things of that kind; instances of moonlighting taken from the "Times."

89,060. In reference to the case of the widow Walsh, one of whose sons was hanged and the other of whose sons was sent to imprisonment in relation to a murder, I wish to call your attention to the dates. A passage was read from page 2212 of a speech (which was not your speech, and I think you said you were not there) relating to the case?—Yes; I was not present when that speech was made. It was made in America.

89,061. Do you recollect whether the statement which was in some fashion conveyed to you that the younger Walsh was not the true criminal was conveyed to you after the person who was supposed to be the real criminal had left for America?—I could not answer that question accurately. I have no recollection.

89,062. You have no recollection of the circumstances?—Not of the exact time at which I learnt it.

89,063. The real criminal had gone to America; but do you know whether that was before or after the trial of the young man?—I could not answer that. I have no accurate information.

89,064. We can refer at greater length, but I do not propose to do so at this stage, to the speech at Ogden Grove, and at the meeting of the Convention. Now, you have been referred to the "Irish World" of 28th August 1880. I do not know whether you have looked at it since, and whether you are now able to say whether that is a present advocacy of dynamite by Ford or a history of the past movement?—It is a history of the past movement, and in that article he gives an account of the part that he played in that movement, and I think it will be found that near the end of that article he says that he no longer advocates the policy of the Skirmishing Fund or the policy of violence; I think so, but I will look it up to-night.

89,065. I rather think that is in the paper of 4th September 1886?—I think it will be found in that of 1880.

89,066. Perhaps you are right. In the paper of the 4th September 1886 he says he



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

stands by what he has said upon the subject, as my Lord pointed out. You will recollect it?—Yes.

89,067. Did you understand that paper, although conveying that idea of standing by what he said, as conveying any present advocacy of dynamite?—No, certainly not.

(*The Attorney-General.*) With great deference, the paper speaks for itself.

(*The President.*) Its only relevance is the state of the witness's mind.

(*Sir C. Russell.*) All this has nothing to do with the case.

(*The Attorney-General.*) That is your statement.

(*The President.*) I agree that is so. We are now dealing with the state of the witness's mind. At the same time I do not mean by that that I take a favourable view of the article.

(*The Witness.*) The whole of the article has not been produced.

(*Sir C. Russell.*) I take anything but a favourable view of it.

89,068. That is, at all events, as you understood it?—And as the readers of the "Irish World" would understand it, as you would see if you saw the whole article.

89,069. We shall have an opportunity hereafter of referring to it at greater length. You have been asked as to the Chicago Convention in 1886, and as to a supposed meeting at which Mr. William O'Brien, Mr. Sullivan, Mr. Redmond, Mr. Patrick Ford, yourself, and Mr. John Devoy drafted resolutions?—No, Mr. John Devoy was not present.

89,070. Perhaps I took that name by mistake. I should like to understand that. What is the machinery for drafting resolutions at those Conventions in America?—There is a committee on resolutions, nominated, I think, by the chairman of the Convention, and to this committee alone is delegated the work of preparing resolutions to be submitted subsequently to the Convention, so that this meeting the Attorney-General refers to could not possibly have taken in hand the work of preparing resolutions for the subsequent Convention.

89,071. But they might, of course, have discussed, if they were on the committee of direction?—The general policy. I have no doubt that on that occasion the Convention was discussed in all its possible phases, but certainly the meeting had nothing whatever to do with the resolutions which were subsequently suggested by me to the committee and adopted by the Convention unanimously.

89,072. What I wish to ask you very distinctly and have your view about very clearly is this. You have said that in O'Donovan Rossa's paper there was a suggestion that there might be at the Convention advocates of a renewed dynamite policy?—Yes, I think he called upon all true men agreeing with him to go there and uphold the only policy which he believed would do good for Ireland. Facts afterwards showed that there were no advocates of dynamite there at all.

89,073. First of all, I would ask you this question. At that time was O'Donovan Rossa regarded at all as an important factor in Irish American politics?—Well, no not nearly as important as he once was. His following has fallen off considerably during the last few years, but in 1880, when the dynamite policy was first preached in America, he had a strong following.

89,074. I am speaking of 1886?—No, his following was very insignificant in 1886.

89,075. Is there the least ground as regards any action of Mr. Sullivan, or of Mr. Egan, or of Patrick Ford, or of any other of the names mentioned, for apprehending they are suggesting a dynamite policy?—Not the slightest. Anyone who would have proposed dynamite at that Convention of 1,200 delegates would have been howled down. He would not have got a hearing.

89,076. You made a reference to a dynamite Convention—the first suggestion of dynamite at a Convention of July 1880 in America, which the Attorney-General did not think was an explanation of anything he was then asking you. What did you desire to say about it?—The Attorney-General, I think, on one occasion quoted from the "Weekly Union" of New York, of the 10th of July 1880, and I have a cutting from that paper. I cut it from the paper at the time I was in America. It contains a report of the Rossa new revolutionary organisation, and in that Convention—

(*The Attorney-General.*) This in no way arises out of anything I put.

(*The Witness.*) There is an express resolution passed there condemning the Land League which I would ask their Lordships' permission to read.



4 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*Sir C. Russell.*) This is very important indeed, Mr. Attorney. At the first appearance of the dynamite policy, which was in 1880, there was a resolution passed condemning the Land League.

(*The Witness.*) And myself personally; and in that Convention James McDermott preached nihilism and dynamite against England. I have the report of it here, and I will show it to the Attorney if he cares to look at it.

89,077. And I think you mentioned something about the subsequent career of McDermott?—Yes; I have here a report of a letter of his addressed to Rossa from Ireland.

(*The President.*) I do not see how McDermott's name is properly introduced in this re-examination.

(*Mr. Davitt.*) I put some question to Captain Plunkett with reference to McDermott's presence in Ireland.

(*Sir C. Russell.*) It was to show that McDermott was playing the same part as Le Caron was playing, and for the same purpose, and questions were put to Captain Plunkett to found this.

(*The President.*) We are now dealing with the cross-examination of the Attorney-General.

(*Sir C. Russell.*) That is so. However, I will take it shortly.

89,078. McDermott was no friend of the Land League?—No, never had anything whatever to do with the Land League.

89,079. No friend of the open movement?—None whatever.

89,080. At this meeting he attended amongst others, where there was a statement of the dynamite policy, there was also a resolution condemnatory of the open Land League movement?—Condemning the Land League and condemning me expressly.

89,081. There is one other question I may ask you before the Court rises. I notice that you speak of the incorrectness of the man Farragher's evidence in reference to yourself; that is the man who was dismissed from the Land League?—Yes.

89,082. He was one of the early witnesses, I think? I do not know whether you stated fully what you desired to say with regard to the incorrectness of his evidence?—Yes, I stated that in my direct examination.

89,083. There is nothing more you wish to add?—No.

(*The Attorney-General.*) Will your Lordship allow me to put upon the note to-day with reference to what Sir Charles Russell has just read of Mr. Justice Barry's summing-up with reference to Hegarty, a signed letter of John Riordan, honorary secretary, John Rorke, president, and M. J. Murphy, treasurer of the Millstreet Land League which appears in the "Irish World" of the 7th of May 1881. That is within the period for which I am entitled to put it in. Of course it would be relevant now with reference to what Sir Charles Russell has said, and what Mr. Davitt has said. This is the letter:—

" From his increasing tyranny and intolerance, his oppression and enmity to the Land League, he has been most thoroughly 'boycotted.' He has also been beaten in the Poor Law Board. He instituted Crown prosecutions against a number of our people for alleged boycotting, and succeeded in getting two of our best men imprisoned for a year. The evidence was very weak, but this viper has so much influence at the Castle (it is even said freely that he has a yearly pension since 1867) that in the present state of the country he, by the judge's charge, chiefly succeeded only too well. On Friday, March 25th, when the evil tidings were known a tremendous crowd attacked his house.

" That was to show their sympathy with the prisoners, who are men of good families here, but I am sorry to say that their present circumstances are anything but flourishing. The effect of taking them away at present is simply ruinous to their wives and large young families, if the generosity of their countrymen at home and abroad does not come at once to their assistance. From the start of the Land League those two men have been foremost in the good work, sparing neither time nor expense. They were true to the backbone, and this incurred the hate of Jeremiah Hegarty. Their relations are all true men. No expense has been spared in defending them.

" Yours faithfully,

" JOHN RIORDAN, Hon. Sec.

" JOHN RORKE, President.

" M. J. MURPHY, Treasurer."

" Millstreet Land League.



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4 July 1889.]

MICHAEL DAVITT.

[Continued.]

(*Sir C. Russell.*) My object, your Lordship will see, is to explain the position of the witness. I am not at all at present arguing or suggesting that there was not boycotting at a later date than I have given your Lordship, that is to say, at the trial

(*The Attorney-General.*) I mean in this case.

(*Sir C. Russell.*) Boycotting of Hegarty. But what I was pointing out to your Lordship was that at the time Mr. Davitt was written to this was the state of things as shown by the judge's charge, namely, that it was boycotting apparently instigated by and proceeding from private animosity.

Adjourned till to-morrow at 10.30.

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*“Uncorrected Proof.”*

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,  
PROBATE COURT No. 1,  
Friday, 5th July 1889.

Mr. MICHAEL DAVITT recalled.

(*Sir C. Russell.*) My Lord, there were some points in Mr. Davitt's evidence as to which he would have desired to give some explanation, which would consist chiefly in reference to other articles in the newspapers, and other speeches; but I have advised him the explanation will come more intelligibly when he comes to address your Lordships; so I have no further questions to ask him. He desires, my Lord, to call a witness himself relative to his own particular action.

(*Mr. Davitt.*) I had intended to call several witnesses, but at this stage of the proceedings I shall confine myself to one witness, if your Lordship will permit me.

(*Sir C. Russell.*) You had better not commit yourself to that.

(*Sir H. James.*) He said at present.

Mr. JOHN JAMES LOUDEN sworn; examined by Mr. MICHAEL DAVITT.

89,084. You reside at Kiltongan Lodge, Westport, Mayo?—Kiltongan House, Westport, Mayo.

89,085. How long have you resided there?—Since my father's death in 1875.

89,086. What is your profession?—I am a barrister by profession.

89,087. Besides the profession of a barrister, have you any other calling or profession?—I have a sheep-ranch, a cattle-ranch, and a horse-ranch.

89,088. How many acres of land do you occupy?—About 7,000.

89,089. 7,000?—About that; I think about 7,000.

89,090. What is your gross rental for that holding?—Well, some of it is very old takes; it was originally belonging to my father under a transplanter's certificate in Cromwell's time, and it is simply a nominal rent; but my gross valuation would be about 700*l.* a year, that is the poor law valuation.

89,091. Who is your landlord or landlords?—In one case I hold from the Marquis of Sligo, and in the other case the Earl of Lucan.

89,092. The Marquis of Sligo, is he a resident landlord?—No, he has been all his life an absentee landlord; when I say he has been all his life an absentee landlord, I believe he was very poor in 1847 and 1848, and resided at home; but as soon as he got any money he has lived away, ever since, here and abroad.

89,093. He does not visit his estate periodically?—No, except to audit his rents, or what he can get of them.

89,094. Are you aware whether he goes round to visit his tenants to see how their houses are, or how they live?—No, he never has gone round once; from time to time he sends his representative to evict tenants.

89,095. To evict tenants?—Yes.

89,096. I will come to that by-and-by. Prior to 1879 had you taken any part in politics in Ireland?—Prior to 1879, yes; I was a member of the council of the Home Rule League, I think from the foundation of that body, and I took part in local politics. I was a member of the Board of Guardians from a very early date, and so on.

89,097. What was the Home Rule League?—The Home Rule League was an organisation presided over by Mr. Butt; the object of which was to obtain a very attenuated form of autonomy for Ireland.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,098. Did that Home Rule League exclude Conservatives when it was first started?—No, not at all; it seemed to me to be a most directly Conservative organisation, for I myself began my career by denouncing Mr. Butt for taking it into the hands of the Conservative party.

89,099. There were quite a number of Conservatives associated with Mr. Butt in it?—Yes, Mr. Galton; and Mr. J. O. Galton was Mr. Butt's secretary of the League, and he got an appointment the other day from the present Government.

89,100. Subsequently to 1879 you were for sometime chairman of the Westport Board of Guardians?—Well, from the foundation—anyhow for about a quarter of a century—Lord Sligo was the chairman, and his brother Lord John Browne, and we organised an attack upon them in the Land League days and put them out, and they have been out ever since, and I became chairman.

89,101. As a member of that and other local bodies have you taken part from time to time in the administration of money for the relief of distress?—Yes; since I entered public life I have administered several funds for the relief of the people.

89,102. In conjunction with other resident gentlemen of the place?—Some of the funds were charitable funds, such as the Land League Fund of 1879; other funds were funds such as the Relief Act, passed, I think, by the Government about the same time. I administered the Relief Act, or acted upon, or helped a body called the Presentment Sessions, a body which passes presentments for the grand jury, and which takes into consideration an investigation, the malicious injuries under the Act of William the Fourth.

89,103. You are familiar with a number of Acts passed by the Legislature for the relief of distress from time to time?—Yes, a great many.

89,104. Will you name them?—There was that Act I mentioned just now, the Relief Act, I think it was, of 1880. Well, I of course administered the Act of 1886, as chairman of the Westport Board of Guardians, because my union was a settled union.

89,105. Now the distress has been periodical in the parts of Ireland where you have resided?—Certainly.

89,106. Can you tell me if the landlords—the Marquis of Sligo and other landlords—contributed in any way (when this distress occurred) to the relief of the tenants?—Oh, no, they were conspicuous by their absence from the relief; the landlords did not contribute a shilling, while the shopkeepers of England, and Frenchmen, and America, and people of the world were contributing to the relief of those people who were in destitution, because the landlords had robbed them.

89,107. Never mind that; I will ask you, if you please, if you believe this is a correct description of the landlords in that locality in periods of distress. I am quoting from a book published by the "Times" in 1880.

(*Sir H. James.*) I am not objecting if Mr. Davitt thinks it right.

(*Mr. Davitt.*) :—

"But nothing will strike so deadly a blow, not only at the dignity of Irish character, but also the elements of Irish prosperity, as a confederacy of rich proprietors to dun the National Treasury, and to eke out from their resources that employment for the poor which they are themselves bound to provide, by every sense of duty, to a land to which they derive their incomes. It is too bad that the Irish landlord should come to ask charity of the English and Scotch mechanic, in a year in which the export of produce to England has been beyond all precedent extensive and productive. But it seems that those who forget all duties forget all shame, the Irish rent must be paid twice over."

89,108. Would you agree with the writer of the "Times" in that description of the Irish landlords?—Yes, the "Times" was truthful on that point, anyhow.

89,109. This is a publication by the "Times" in 1880, and is a series of articles which appeared in the "Times" in 1846 and 1847; the page of the book is 36.

(*Sir H. James.*) My Lords, I really do not know how far we can have this; I am very unwilling to object to Mr. Davitt putting it in, but this is a matter referring to the conditions of things in 1846 and 1847.

(*Mr. Davitt.*) I will read your Lordships the preface of the book which will explain the whole thing. The preface is as follows:

"The recurrence of severe distress in Ireland has suggested the publication of this volume, and it contains a reprint from the "Times" of leading articles



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“ letters and parliamentary and other public statements during the great famine  
 “ of 1845-46. It is thought that such reproduction of the measures then  
 “ proposed or adopted, and the opinions then expressed, cannot fail to be highly  
 “ instructive and interesting, now that, after a lapse of more than 30 years, the  
 “ sister island is again suffering from deficient harvests.”

This was published in 1880 and the articles contained in that book are contemporaneous with the land agitation and the Land League.

89,110. Now, what do you attribute the recurrence of distress to in the West of Ireland?—The requirements of the tenants—the landlords increasing the rent as the tenants improved their holdings, and never giving them a chance to save a halfpenny for a bad year.

89,111. In what you call a number of good times in your part of the country, what is the condition of the people who paid these rents to Lord Sligo and other landlords?—Worse than the condition of any peasantry that I have ever seen in any other part of Europe.

89,112. What is their staple food?—Potatoes; many years unfit for human food.

89,113. If your Lordships will permit me to read another small article from this book, I will ask you to say whether you agree with the opinions here expressed and the facts stated. It is from page 30 of this book:—

“ But we entertain no doubt whatever that the hungriest and most squalid  
 “ bog-trotter in Connaught, whatever his present condition, if it should be con-  
 “ sidered an object, could with judicious treatment be brought to bear a dinner  
 “ of turtle soup, roast beef, pheasant, and ice punch every day of his life, without  
 “ being very much the worse for the change. So thoroughly are we the creatures  
 “ of habit, and so easily adapted to the most disagreeable changes. The potato,  
 “ therefore, has no more claim to be considered the Irishman's national food than  
 “ that very wholesome and palatable dish which is called in this country an  
 “ ‘ Irish stew,’ or any other production of which Ireland is proved to be capable.

“ It is not in the *physique* of the peasant, but in the moral and commercial  
 “ system of the landowner, that we must look for the natural *habitat* of this root.  
 “ It is one of the means by which the landlord exacts a rent wholly out of pro-  
 “ portion, not indeed to the natural wealth of the soil, but to the capital invested  
 “ upon it. In a country without capital, and without that security for life and  
 “ for property which capital requires, the comforts and decencies of life pull  
 “ against rent. Could the Irish live on the tops of their potatoes they could  
 “ then give the roots to their landlords. Could they go abroad without clothes,  
 “ each family would pay, perhaps, ten shillings more than it does, such being  
 “ possibly the annual outlay in that fashionable luxury. The commercial principle  
 “ of this view is familiar to every householder. No person of ordinary prudence  
 “ will keep a hunter to do the work of a nag, a horse to do the work of an ass, or  
 “ a man to do the work of a boy. A regard for appearances will occasionally  
 “ require a deviation from this rule, for, whatever a certain noble lord may think  
 “ to the contrary, even a curate's wife will hardly think a ‘ donkey cart ’ a suitable  
 “ conveyance. Where profit is the question, the general rule is to adapt the  
 “ means to the end, and to be as thrifty as the habits of those with whom we have  
 “ to deal and our own charity or delicacy will allow.

“ It is for a good reason, therefore, that Irish landowners are always so  
 “ ready to back up the potato. ‘ Pat thrives upon it,’ they cry; ‘ see what  
 “ ‘ work he does on a good dish of murphies; he would not thank you for bread.’  
 “ In ordinary times nothing can compare, we are told, with the potato. ‘ Bring  
 “ ‘ it into England,’ our provincial philanthropists are exclaiming; ‘ give every  
 “ ‘ man his quarter acre of potatoes, and he is independent. No need then of  
 “ ‘ poor laws or labour rates.’ Happily, however, Nature, in a larger sense of that  
 “ ‘ much-abused term, protests against this deliberate degradation of her sons.  
 “ Every now and then she throws in an item, peculiarly her own, which fearfully  
 “ disturbs the false balance of the base calculation. Blind ignorance and mad  
 “ discontent, conspiracy and rebellion, dearth and pestilence, and every other  
 “ disorder incident to human existence reduced to the very zero of support,  
 “ prove to the statesman, if not to the landlord, that there must, after all, be  
 “ an error in the account. The cheapness of savagery fails to compensate for



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“ the expense of controlling its outbreaks. A nation of barbarians may be cheap  
 “ to the landowner, but it is ruinous to the State. A costly soldiery and police  
 “ must make up for the inferiority of the domestic standard; and when the  
 “ lowest possible average of life sinks occasionally to a level below the stretch of  
 “ the most elastic endurance, the nation is called in to supply the terrible gap.

“ That, in fact, is what the landowners are now, with an importunity  
 “ approaching to impudence, demanding of the Imperial Government and Legis-  
 “ lature. The potato has disappointed us for once, they say, ‘so you must make  
 “ ‘it up this year, and help us on to the next.’ The only use of corn is to prop  
 “ up the potato. Instead of considering that, whatever is done, the wretched  
 “ policy of encouraging this crop has already entailed a serious loss to the nation  
 “ by enhancing the price of all other food. These gentlemen consider that the  
 “ State itself must immediately aggravate that loss by an immense artificial drain  
 “ of food into Ireland, since it is under such peculiar circumstances, to be most  
 “ wantonly squandered. ‘All that Ireland wants is the potato,’ but then, when  
 “ the potato fails, the whole notion is to advance a loan or a gift, for it is much  
 “ the same thing, to the amount of three or four million quarters of wheat, in  
 “ order to make up the failure. This is like doing without warm clothing, but  
 “ reproaching one’s neighbours with inhumanity, because, when the winter does  
 “ at last set in, they will not part with their blankets and greatcoats. If we  
 “ are exaggerating the tone of these aristocratic mendicants, we beg to refer to  
 “ their words. At a great meeting of landlords held at Castlebar last Saturday  
 “ the Earl of Lucan presiding, the Marquis of Sligo proposed and carried, we  
 “ have no doubt very triumphantly, the following resolution——”

Now, the two landlords there mentioned, the Marquis of Sligo and the Earl of Lucan, were Mayo landlords?—Yes.

89,114. One of them, the Marquis of Sligo, was your landlord?—Both.

89,115. Now, I will quote this extract, and these words, and ask your kind attention to them:—

“ On the fact itself, unhappily, there cannot be any dispute.”

89,116. (*Sir H. James.*) What was the resolution?

(*Mr. M. Davitt.*) The resolution is:—

“ The social system of Ireland being founded and dependent on the potato,  
 “ as the food and main resource of a very large portion of the people, its entire  
 “ loss must effect so complete a change in the situation of the country, that we  
 “ rely on Her Majesty’s Government taking the earliest opportunity of passing  
 “ such legislative remedies as its totally altered condition most urgently requires,  
 “ and without which it is much to be feared that general distress (if not general  
 “ disorganisation) must prevail.”

And the article concludes:—

“ On the fact itself, unhappily, there cannot be any dispute. We are only  
 “ remarking on the marked shamelessness of the admission in a county meeting of  
 “ Irish landowners. One grain of confession would at least have helped to atone  
 “ for the error here revealed. Had the landlords only resolved that, owing  
 “ to the unfortunate heartlessness, extravagance, and folly of themselves and  
 “ their predecessors, their tenantry were dependent on the least nutritious and  
 “ most precarious of diets, we might have had the satisfaction of hailing some  
 “ promise of amendment; we might have accorded a munificent grant in the hope  
 “ of return. But it is too clear that so long as the State is ready, at the cost of  
 “ all the provident and generous part of the nation, to prop up the occasional  
 “ break-down of this wretched dependence, the Irish landlords will still continue  
 “ to consider the potato the natural food of the Irish peasant.”

89,117. (*Sir H. James.*) May we have the date of the article?

(*Mr. Davitt.*) The original article is dated September 18th, 1846. That is a fair sketch of the social condition of Ireland.

89,118. Now, with reference to 1879, was that a year of severe distress for the tenants in your part of Ireland?—Yes, in 1879 the potato failed to a certain extent, and the oat crop was almost an entire failure. I myself have seen the oats and rye



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

standing in the month of November uncut; it did not ripen that year; there was no sunlight.

89,119. We have had quite a number of witnesses testifying as to the distress in 1879. I will not pursue that much further. I ask you this question: Was the distress in 1879 or 1880 in any way mitigated by the Land Act of 1870?—Oh, in no way. On the contrary, I should say it was the reverse. The Land Act of 1870 created the very worst feeling between the landlord and tenant, and for 10 years they were almost in open warfare. The landlords would be inclined to do nothing for their tenants; they had no right, they thought—to a certain extent they had—but they thought they had not the right of taxing their tenants' improvements.

89,120. I gather from your evidence, you being a barrister, knew that the working of the Act of 1870 failed to give security to the tenant farmers of Ireland?—I did, because the landlord had still the right to serve the notice to quit and evict on it. The Land Act of 1880 gave compensation for disturbance, and also compensation for improvements, but the Land Act of 1870 did not destroy notices to quit, nor did it give the tenant the right to his improvements; it only gave him a right to compensation when it was made out.

89,121. And to get this compensation under this Act a law suit would be required?—It was practically very little or no value.

89,122. And lawyers in that part of Ireland did not take up cases for nothing any more than they do over here in England?—I am told lawyers in England are acting for nothing up to the present.

89,123. Have you any information as to an increase of rent on the part of Lord Sligo?—Oh, yes; in 1875 Lord Sligo determined to drive a coach and four through the Act of 1870, and he sent a man named Jay down to the estate, who served the tenants who refused to pay the increased rent, with notices to quit, and I myself have seen the notices to quit when we were trying cases in the court.

89,124. These notices to quit were served on the tenant?—Yes, on the tenant who refused to pay the increased rent.

89,125. Who would be required to give their tubers in rent, if they were made to live upon the stalks?—1872, 1873, 1874, and 1875 were good years, and the landlords of the West of Ireland thought they could raise their rents and try it on, and Lord Sligo succeeded.

89,126. When Lord Sligo increased their rents, did any of the tenants refuse to pay?—Yes, I told you; and he served notice to quit on those tenants who did refuse, and I have seen the notices he served on every tenant on the estate who had not a lease. These notices were produced in the Land Court later on, calling upon them to pay the increase, and to sign an agreement containing conditions very much against them.

89,127. What was the attitude of the landlords generally with regard to the remedial laws passed by the Legislature for the tenantry of Ireland?—They combined to defeat every remedial law passed by the Legislature for the benefit of Irish tenants; and they were enabled to do so as magistrates, as grand jurors, as members of the presentment sessions, and from their social condition.

89,128. That again would to a great extent nullify the efforts of the Legislature here in London?—Oh, entirely.

89,129. The consequence would be that the tenants would have to look either to combination among themselves for protection; or the support of any party from England, and elsewhere?—Certainly; so much so that in 1878 and 1879 the Land League tried to enforce, I think, the ninth section of the Land Act for the benefit of the tenants who were evicted for nonpayment of rent, to get compensation for improvements, and we succeeded in Mayo, where Mr. Richard, an upright judge, presided, but we tried it in the rest of Ireland and failed.

89,130. I would only ask you whether you agree that what is in this book at page 78 is correct. I will only read a few lines:—

“ Every working man in this island has an Irish peasant on his back, and  
 “ may deem himself only too fortunate if both are not floundering in the mud  
 “ before next August. But if these 50,000 able-bodied Irish navigators have no  
 “ particular claim, no more have the landlords. Give them 170*l.* per acre for  
 “ their land,—give them their shares at a premium,—what is there to tie the



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“ money down to the Irish soil, and stay it from going that road, marked by  
“ footsteps all one way, that leads to the den of the devouring absentee?”

Now, what would you gather from that “the den of the devouring absentee.” What would you gather to be the meaning of the writer in the “Times”?—I would say this as a matter of fact.

89,131. (*Sir H. James.*) Surely Mr. Davitt will see that we cannot save this—I am not objecting?—I am not going to answer that question; but I do think that all the money voted by the Imperial Parliament for relief in Ireland has to all intents and purposes gone into the pockets of the landlords. The Act of 1882 as administered by the presentment sessions presided over by the landlords; they gave the money certainly, not to the tenants but to the contractors, who employed horses and carts belonging to the rich people, and the money went back to the landlords and not to the tenants to pay the rent. And money for years went into the pockets of the landlords, and all the money passed by legislature ultimately goes into the pockets of the landlords. It is simply a swindle on the people of this country.

89,132. I could quote many more articles. Would the reader of that article—being an excited and wicked individual like myself, for instance—would that be calculated to cause me to support the system of absentee and general landlordism in Ireland?

(*Sir H. James.*) Well, my Lord—

(*The President.*) Mr. Davitt must see that those sort of questions are not calculated to impress us, because we must form our own opinion. But at the same time I think Mr. Davitt was justified in putting it as a *tu quoque*; it has been a form of question addressed to a great many witnesses—whether this or that would be calculated—therefore I do not think this—

(*Mr. M. Davitt.*) I will not go any further, my Lord.

(*The President.*) No; I was going to say that I should not stop you putting the question, warning you, however, that this was a point that we should have to form an opinion on for ourselves.

(*Mr. M. Davitt.*) I was anxious to read these extracts, not because they were by the writers in the “Times,” but because the “Times” republished these sentiments in 1880.

(*The President.*) I think that does make it admissible.

89,133. (*Mr. M. Davitt.*) Now, Mr. Louden, you took part in the agitation which was inaugurated in the month of April 1879?—Yes; I helped to get up that agitation, with you and others.

89,134. Would you briefly tell their Lordships—as briefly as you can—what you thought the object of that Irishtown meeting was?—The object of the Irishtown meeting was to obtain a temporary abatement. It was expressed in the resolution, to obtain a temporary abatement of rent for the tenantry, and consequently, in the face of the fact that Lord Sligo and other landlords had raised the rents in 1875, in the teeth of the Act of 1870, thus confiscating the improvements of the tenants, we came to the conclusion that fresh legislation was necessary; and the object of the Irishtown meeting was, in the second instance, to obtain an Act of Parliament to remedy the wrongs which still exist.

89,135. Now, who occupied the chair at that meeting?—The chair was occupied by James Daly, a tenant farmer of the district, not the editor of the “Connaught Telegraph,” who was alleged to be there as chairman and alleged to be in America. He was not there.

89,136. We will come to that by-and-by, if necessary. There were two resolutions proposed and spoken to at that meeting, I believe?—At the Irishtown meeting?

89,137. Yes?—At least two.

(*Mr. Davitt.*) I do not know, my Lord, whether these resolutions were read or not, but I think it is important to read them, as this was the first meeting of the agitation.

(*The President.*) I do not remember those resolutions.

(*Mr. Justice A. L. Smith.*) I do not think they were read.

(*The Witness.*) They were resolutions received from Mr. Davitt. They were written by Mr. Davitt, and were sent to the meeting to be proposed and seconded, and they were.

(*Mr. Davitt.*) This is the first resolution:—

“ Whereas the social condition of the Irish people having been reduced,  
“ through their subjection to England and its coercive legislation, to a state



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“ below that of any civilised country in the world; and whereas the mouthpiece  
 “ of English public opinion ” ———

89,138. Would you gather from that that the “ Times ” meant to be the mouthpiece of English public opinion at that time?—Yes, we have always considered the “ Times ” to represent the opinion of Englishmen.

89,139. ———

“ And whereas the mouthpiece of English public opinion when speaking of  
 “ continental misgovernment in late years, have declared that ‘ government  
 “ ‘ should be for the good of the governed, and that whatever rules will fully and  
 “ ‘ persistently postpone the good of their subjects, either in the interest of  
 “ ‘ foreign States or to assist theories of religion or politics, such rules have thereby  
 “ ‘ forfeited all claim to allegiance ’ ; be it therefore resolved, that we Irishmen  
 “ assembled to-day in our thousands do hereby endorse the foregoing declarations  
 “ as embodying the position and wrongs of our misgoverned and impoverished  
 “ country, and as likewise affording us a justification for recording our unceasing  
 “ determination to resort to every lawful means [compatible with an outraged  
 “ civilised people, whereby our unalienable rights—political and social—can be  
 “ regained from our enemies.”

That resolution was proposed and seconded and carried.

89,140. Who were the speakers on that occasion?—The speakers on that occasion were Malachy Sullivan, Matthew Harris, Thomas Brennan, John Ferguson, of Glasgow, John O'Connor Power, who was then member for the county, and myself.

(*The President.*) What was the other resolution, Mr. Davitt?

(*Mr. Davitt.*) I will read it at once.

89,141. Was this the second resolution?

“ That as the land of Ireland, like that of every other country, was intended  
 “ by a just and all-providing God for the use and sustenance of those of His  
 “ people to whom He gave inclination and energies to cultivate and improve it,  
 “ any system which sanctions its monopoly by a privileged and non-operative  
 “ class or assigns its ownership and control to a landlord caste to be used as an  
 “ instrument of usurious or political self-seeking, demands from every aggrieved  
 “ Irishman an undying hostility, being flagrantly opposed to the first principles  
 “ of their humanity—self-preservation.”

There was a third resolution demanding a temporary abatement of rent from the landlords.

89,142. I have not got that. Was that the purport of it, demanding an abatement of rent?—Yes, that was the purport of it. These you have read were the two sent by you to the meeting, and there was one drafted by ourselves demanding a temporary abatement of rent.

89,143. Now, I will not read the extracts I have here from Mr. Brennan's speech or Mr. Ferguson's speech, unless I am asked to do it, just to save time; but I will read an extract from the concluding portion of your own speech on that occasion. You spoke there?—Oh, yes.

89,144. ———

“ Now, turning to our own country—if we have not witnessed remarkable  
 “ changes we have witnessed remarkable developments of public opinion. The  
 “ eyes of the English people have been opened to the system of misgovernment  
 “ which was to us a scourge, to them a disgrace. Our wrongs are now not only  
 “ discussed at public meetings and in the press; they are debated in the Houses  
 “ of Parliament. The ballot has placed almost unlimited power in the hands of  
 “ the people. If our grievances be not now speedily redressed we have only  
 “ ourselves to blame. If measures having for their object the vindication of  
 “ popular rights are rejected, it is because our representatives misrepresent or  
 “ betray us. Let the people of Ireland return true men.”

By that you meant return true men to Parliament?—I meant the old rotten party that existed before the present Parliament.

89,145. But you meant returning representatives to the Imperial Parliament?—Certainly, yes.

89,146. ———

“ Let the people of Ireland return true men, and in a short time you will  
 “ have a Land Bill which will leave you secure in your homes for ever. You



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“ will have more—you will have a Parliament on College Green. Thus will  
 “ arrive the time when Ireland will be mistress of her own destiny; thus will  
 “ arrive the time when it will be the duty of Irishmen to undertake the considera-  
 “ tion of those social problems, upon the solution of which will depend the place  
 “ their country will take amongst the nations of the earth ”?—

In alluding to the ballot and to the Houses of Parliament, I wished to substitute in fact the ballot for bullets, and I wished to turn the attention of the people from secret societies to the new order of things whereby they might redress their wrongs through the Imperial Parliament.

89,147. And can you honestly say that was in your belief the purpose of that meeting and the object of the speakers who spoke there?—I swear it was, because I had the getting up of the meeting myself.

89,148. Now, the next meeting with which you were connected and one that a good deal of attention has been given to here, was the meeting at Westport?—Yes, that meeting was important, because of the presence of Mr. Parnell and Mr. Davitt.

89,149. Well, I will not read any speeches from that meeting, unless I am asked to do so by Sir Henry James, but I will just read the resolution.

(*Sir H. James.*) Kindly give the date.

(*Mr. Davitt.*) Perhaps you can give me the date of the Westport meeting, Mr. Louden; I have not it?—The Westport meeting was in June.

89,150. Did Mr. Parnell propose the following resolution? Mr. Parnell, you say, was one of the speakers?—He was.

89,151. —

“ That, whereas many landlords, by successfully asserting in the courts of  
 “ law their power to arbitrarily increase their rents, irrespective of the value of  
 “ the holdings on their estate, have rendered worthless the Land Act of 1870 as  
 “ a means of protection to the Irish tenants, we hereby declare that not only  
 “ political expediency, but justice, and the vital interests of Ireland, demand such  
 “ a re-adjustment of the land tenure—a re-adjustment based upon the principle  
 “ that the occupier of the land shall be owner thereof, as will prevent further  
 “ confiscation of the tenants’ property by unscrupulous landlords, and will secure  
 “ to the people of Ireland their natural right to the soil of their country ”?—

Yes.

89,152. Would you say that that was the key-note of that meeting, and of the subsequent meetings you attended in Mayo?—Yes.

89,153. Now, with reference to the organisation of the Irishtown and Westport meetings, do you know if the Fenian body had anything whatever to do with that work?—No, they had not—not as a body; there may have been Fenians, but as a body they had nothing whatever to say to it.

89,154. You had chiefly to do with the organisation of the Westport meeting?—Yes.

89,155. You paid, I believe, most of the expenses attendant upon it?—Yes, I bore the expenses of that meeting.

89,156. In fact you had been, I think, connected with a local Tenants’ Defence Association, had you not before that time?—Yes, the Tenants’ Defence Association; I was president of it.

89,157. Up to this time the Land League had not been founded?—No.

89,158. Did any money come to you from America, or from Dublin, or from any quarter, with reference to the organisation of these meetings?—Which meetings?

89,159. The Westport and Irishtown meetings?—Oh, not a shilling.

89,160. After the Westport meeting the agitation extended into all parts of Mayo. did it not?—Yes.

89,161. And you attended many more meetings?—I did.

89,162. In company with whom?—Mr. Brennan and yourself, Mr. Parnell, Mr. Harris, Mr. John O’Connor Power.

89,163. You remember the convention held in Castlebar on the 16th of August 1879?—Yes, held immediately after the repeal of the Convention Act.

89,164. And at that convention the Land League of Mayo was founded?—Yes.

89,165. You heard during my examination the constitution and rules and conditions of membership adopted at that convention and read here?—Yes.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,166. You presided at that convention?—Yes, I was elected president of the Land League—of the organisation.

89,167. Who had to do with the bringing together of the delegates at that convention?—I think you had.

89,168. Had any secret organisation or body?—Oh, no, the secret organisations never interfered. The secret organisations had nothing to say, directly or indirectly, to that meeting or to any other meetings.

89,169. There might have been individual Fenians present at the convention?—I presume there were, and a good many.

89,170. You were elected president of the League in Mayo?—I was, yes.

89,171. Did you ever belong to any secret society?—Never.

89,172. Did the people of Mayo and the other western counties come spontaneously into the agitation to support it?—Yes. The people joined in that agitation with an enthusiasm they never showed before in any other agitation or in any other political movement. The people of Ireland always looked upon the land as their own, and as long as I remember they looked upon the landlords as robbers. They remember that the land of Ireland belonged to the Celts and not to the adventurers that came in with different parties.

89,173. Well, we will not go into a discussion of that now. At the time when it was declared from public platforms and in the press that severe distress, if not famine, was to be apprehended in the West of Ireland, what did the landlords or the agents and the grand jury of Mayo do; what was their action?—They passed a resolution demanding additional powers (these were the words used) from the Executive of the Government to meet the new agitation. The old cry of coercion was raised at once.

89,174. Were any steps taken at that period to provide any relief for the tenantry of these landlords in the face of this impending distress?—No; at that time steps were taken by the landlords to evict wholesale. That was in July of 1880.

89,175. Subsequently in 1880 there was a Relief of Distress Act passed, was there not?—Yes, I alluded to that.

89,176. You were a member of the presentment sessions?—Yes.

89,177. Which had the administration of the funds under that Act?—Yes.

89,178. What was the class that composed the presentment sessions?—Well, with the exception of myself and I think one more, the members were Lord John Brown and Lord Sligo's agent, and they represented the landlord class solely.

89,179. Would you say the fund was distributed in accordance with the provisions of the Act?—No, I stated that the money was given, not to the poor, but given to contractors who gave it to their friends, who paid it to the landlords in rent. It was a system of road-making, and the roads were let out to contractors. The poor were not employed at all.

89,180. Now we will come down to the foundation of the Land League. You remember the conference in the "Imperial Hotel" in Dublin at which Mr. Parnell founded the Land League?—Yes.

89,181. Did you receive a circular from Mr. Parnell?—Yes.

89,182. With reference to that conference?—I received a letter from Mr. Parnell asking my co-operation.

(*Mr. M. Davitt.*) I do not think this letter has been put in, my Lord, but I will put it in now. It is addressed to Mr. Louden.

(*The Witness.*) I think you had better read that.

89,183.—

" Avondale, Rathdrum,

September 29th, 1879.

" MY DEAR SIR,

" SOME friends have urged upon me the strong desirability of forming a committee for the purpose of appealing to our countrymen abroad, and more especially in America, for assistance in forwarding the new land agitation in favour of the ownership of the soil by the occupier, and also for the purpose of upholding the tenants during this terrible crisis by the promotion of organisation. I enclose you a copy of the appeal that we have drawn up, and trust that you will permit yourself to be added to the committee and allow your name to be appended to the appeal.

" I am, dear Sir,

" Yours very truly,

CHARLES S. PARNELL."

" J. J. Louden, Esq., B.L.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

Yes, that was the first move to extend the organisation of which I was president to all Ireland.

89,184. Did you attend that conference?—No, I wrote to Mr. Parnell asking him to put my name down as a member of the committee.

89,185. After the foundation of the Land League of Ireland in Dublin the National Land League of Mayo as a distinct county organisation ceased to exist?—Yes, I became a member of the Land League executive in Dublin, and went to Dublin, and the organisation in Mayo was merged in the larger organisation.

89,186. Now, you have doubtless heard during this inquiry reference made to a man called Scrab Nally, and one called P. J. Gordon, of Claremorris?—Yes, I heard the names mentioned here, and I read the names mentioned in the opening statement of the Attorney-General.

89,187. Do you know those two men?—Oh, yes.

89,188. Have you seen them at meetings in Mayo?—Often.

89,189. It has been stated here by the Attorney-General, I think, that Scrab Nally and P. J. Gordon were organisers of the Land League?—It was so stated in the opening address.

89,190. Was that correct?—It was incorrect. Mr. J. W. Nally, who is sometimes called Scrab, attended meetings, but he held no position under the Land League at any time of his life.

89,191. He was never an organiser?—Never an organiser. He may have been a member of some local branch for aught I know; but he was not an organiser of the Land League. That I swear. Neither was Gordon.

89,192. From your knowledge of the Land League in Mayo, having been its president, and from your subsequent knowledge of the Land League from being a member of the executive in Dublin, do you know if any money was ever given, directly or indirectly, to Scrab Nally or P. J. Gordon as organisers of the Land League?—Certainly not. Gordon got no money from the Land League. I believe his wife got some money while Gordon was in gaol out of the relief fund, but he got no money as an organiser. He was not an organiser.

89,193. You attended meetings of the executive of the Land League in Dublin frequently, did you not?—Oh, yes; I was there nearly all the time.

89,194. Now, what was the nature, generally speaking, of the subjects considered by the executive of the Land League when you were present?—Policy; you mean the meetings of the executive strictly so called?

89,195. Yes?—Well, you know there was a committee to deal with finance. One or two or three would deal with finance. Then correspondence would be considered. The general meetings of the executive dealt with policy, the sending of organizers here and there, and so on, and drafting Bills in Parliament. From time to time we had to consider the Acts of Parliament, such, for example, as the Disturbance Bill.

89,196. Do you know whether any money, great or small, was ever voted by the executive of the Land League for the promotion of outrage or crime, or for the payment of money to men who carried out outrage or crime?—Certainly not.

89,197. If such payment had ever been made, would it come to your knowledge?—Decidedly. The only allusion to the subject ever made was that made in the Commission here in connexion with this grant made by John Fergusson, of which I never heard before.

89,198. Was one of the objects of the Land League to prevent evictions by bringing about a change in the land system of Ireland?—Certainly.

89,199. Are you familiar with evictions in the West of Ireland?—Since the Land League was established in my county they served a great many ejectment processes and that sort of thing; but very few people went out. They tried to evict, but failed.

89,200. You know, I assume, that a large number of evictions took place?—If you ask me my experience, I tell you this, that in my county in 1847, 1848, 1849, 1850, and 1851 whole districts were cleared of people, if that is what you mean.

89,201. You have experience of evictions in those years?—Certainly.

89,202. From that experience, would you say that evictions provoke disturbance and lead to crime and outrage?—Most decidedly. I do not know anything calculated more to excite a man than to see the house which shelters his wife and children knocked down over their heads, or not exactly over their heads, but they driven out first and the house knocked down afterwards.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,203. From your knowledge of that part of the county and the tenantry, would you say the houses are built by the tenants themselves or built at the expense of the landlords?—Yes; before the Sub-Commission, I think, in Mayo only four cases were cited. I know on Lord Sligo's estate one was produced where the landlord gave any money for the building of a house, and that was a sum in aid, and it was given to an ex-Bible reader, an Orangeman.

89,204. It is true to say generally in the vast majority of cases that houses are built either by the tenants or by their predecessors in title?—Built by the tenants or by their forefathers.

89,205. And when they are evicted for nonpayment of rent for a holding, that is for land, they are also turned out of the house, which is their own property?—Where an eviction takes place now, the tenant is robbed of what the Imperial Parliament gave him, namely, his improvements, which include the buildings on the land.

89,206. You have said that not many evictions occurred in Mayo after the Land League, but you are aware that a large number of evictions took place in other parts of Ireland during the Land League?—Yes.

89,207. Do you know if the Land League provided food and shelter in many instances for such evicted people?—Certainly.

89,208. Could you say to what extent of their funds. Have you any knowledge to what extent their funds were allocated for that purpose?—Certainly.

89,209. Can you speak as to any certain sum?—I can speak roughly that more than one half went for the support of tenants either in relief in 1881 or in the actual relief given to evicted tenants. That is my opinion. I have never made up that question, although I was constantly dealing with it. I had the voting of the money with Brennan, Egan, Parnell, Sexton, and others, but my belief is that at least one-half went for relieving in one way or another tenants evicted or non-evicted.

89,210. Anyhow you would say a large amount?—A large amount, decidedly.

89,211. Went from the Land League funds to provide food and shelter for people who were turned out of their own houses?—Yes; and I say now, on consideration, that much more than one-half was so given.

89,212. You have heard questions put here repeatedly to witnesses about boycotting?—Yes.

89,213. Did the Land League invent boycotting?—I never heard the term until that expedition of Orangemen down to Lough Mask.

89,214. Of course you know what I mean by boycotting?—Perfectly.

89,215. Had you any experience of it in Ireland from any class towards another before the Land League?—The classes so-called boycotted everybody opposed to them. I was boycotted myself.

89,216. How would you describe the treatment you received. How would you describe how you were treated?—Social ostracism and obstruction to professional advancement and obstruction in every way. They do everything. They use the church—all churches if they can—to ruin a man's reputation. Their principle is to destroy every man opposed to them.

89,217. You remember the rejection by the House of Lords of the Compensation for Disturbance Bill in 1880?—Yes; that is another piece of boycotting.

89,218. What effect had that upon the minds of the people of Ireland, from your knowledge and experience?—Well, it accentuated the bad feeling which already existed in their minds towards the classes. They saw that the people of England were inclined to serve them, and they found that a wretched minority in the House of Lords had the power to upset the deliberate act of the Commons of England.

89,219. Would you say that the rejection of that measure tended in any way to spread the Land League agitation throughout Ireland?—I will not say that; but it certainly tended to produce crime in Ireland. It tended to make men desperate.

89,220. Desperate at seeing what they believed would give them protection rejected?—Desperate at seeing an act of open war committed by the landlords against them. They looked upon this rejection of the Bill passed by the Commons as an act of open warfare committed by the landlords against the tenants. That is the way they looked at it.

89,221. Now, with reference to these meetings, official reporters from the Government attended them, as a rule?—Policemen?



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,222. Yes?—There were what they used to call journeyman reporters. They were amateurs; they were not professional reporters.

89,223. Large bodies of police attended these meetings, as a rule, did they not?—Oh, yes; some of the meetings. I remember the largest meeting we held in the county of Galway, at Williamstown, there were only four policemen present.

89,224. What would you say was the policy of the Land League with regard to representatives of the Government and forces of the Crown at these meetings?—At all the meetings in Mayo there was the very best *entente* between the people and the police. In fact, I know a very important land meeting that was subscribed to by the police of the district; and I know of the police over and over again subscribing for the relief of the people who were evicted.

89,225. You have mentioned that early in the agitation the landlords of Mayo demanded additional powers to put down the land movement?—That was their act; that was their contribution to what existed then in the shape of distress.

89,226. What Government was then in power when that Act was passed?—I think the Liberals.

89,227. (*Sir H. James.*) Which Act is this?—No, I think the Duke of Marlborough, if I mistake not, was then Lord Lieutenant of Ireland. Yes, the Tories were then in office, and I may say they took no action whatever on the resolution of this grand jury.

89,228. (*Mr. M. Davitt.*) They ignored the resolution?—Yes, they brought in another Coercion Bill. The resolution was taken up by the grand jury of Roscommon, and of Galway, and passed unanimously, and the Government did nothing. On the contrary, the Duchess of Marlborough got up a fund, and she and her son, Lord Randolph Churchill, did a great deal to relieve the distress which existed.

89,229. You have heard, I think, during my examination of my arrest and the arrest of Daly and J. B. Killen. Who was Mr. James Daly?—He was part owner of a local paper in Mayo.

89,230. Do you know him intimately?—Well, I know of him very well.

89,231. You have heard it possibly sworn here by the witness Beach that James Daly, of Castlebar, attended a Clan-na-Gael convention in Philadelphia in 1883?—That was evidently a mistake. He never was in America in his life. It may have been more than a mistake.

89,232. He would not be the kind of man to go to such a convention?—He was not in the habit of attending meetings.

89,233. Mr. James Daly was prosecuted with me in Sligo in 1879?—He was.

89,234. Were you counsel for him?—Yes, I appeared as counsel in that case.

89,235. What was the result of that prosecution?—The charge was for conspiracy—I think it was for sedition. They were all sent for trial. The case came on at Carrick on-Shannon, and it fell through. I think the indictment was wrong.

89,236. You have spoken about the executive of the Land League in Dublin. The organisation had a large number of branches throughout Ireland?—Yes.

89,237. Who as a rule organised those branches?—As a rule they were organised by sons of the tenant farmers of the district at which the branch was got up.

89,238. After holding meetings and passing resolutions, what methods were adopted by the Land League to bring about a change in the land laws of Ireland?—The question was agitated in the papers and brought before Parliament several times. At one time we had, I think, representatives from all the newspapers in England. For example, at that prosecution you speak of in Sligo there were representatives from half a dozen American papers, and even from a Parisian paper.

89,239. Can you roughly give us the number of Land League branches in Ireland, say in 1881?—No, I think not. I remember at one time there were 850, and they increased very largely after that.

89,240. Would the branches meet as branches periodically?—Oh, yes, they were in constant communication with the head office.

89,241. Would the branch itself hold a meeting weekly or fortnightly or monthly?—As a rule fortnightly; we held our meetings in Dublin fortnightly at first, and then we had to hold them weekly afterwards.

89,242. At that fortnightly meeting of the branches speeches would be made?—Oh, yes.

89,243. Would that meeting be open to the police?—Certainly.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,244. You would say that on an average three or four speeches would be made at each meeting?—Or more.

89,245. We will not go into calculations?—No, it is better not.

89,246. You could calculate the number of speeches there would be made in 12 months?—You can calculate it if you like.

89,247. If as alleged the speeches led to crime and outrage, ought there to have been a great deal of crime and outrage in Mayo in consequence of the large number of speeches made in 12 months?—Certainly, if outrage followed speeches.

89,248. In 1881, Mr. Louden, the Government brought in its Land Bill dealing with the land question of Ireland?—Yes, it was brought in by the Liberal Government.

89,249. Would you say that that Bill of the Government bore any resemblance to the programme of land reform that was drafted by you at the request of Mr. Parnell for the Land League in April 1880?—Yes, the Bill brought in by the Government tried to please us, and to please the old Whigs who were represented by the bishops of Ireland, and issued the programme.

89,250. Never mind that; would you say that the Land Act of the Government in 1881 embodied any of the proposals contained in the programme of Parliamentary reform drawn up by the Land League in 1880?—The purchase portion of the Act certainly would, to a great extent, embody that programme.

89,251. That programme has been put in, my Lords. If that programme had been accepted by the Government, say in 1880, and had become law, do you think it would have had the effect of quieting down the country?—Certainly it would, and furthermore of going a long way to settle the land question. There was a provision in that Act to enable the Government to buy up land of broken down landlords, and to let it to Crown tenants, equal to  $2\frac{1}{2}$  per cent. of the purchase money. That would have met the whole difficulty, but in the result more money was spent than would have bought out the landlords in question.

89,252. Would you say that if that programme was embodied in legislation, it would have obviated the necessity of carrying out the Land League any further?—Most decidedly it would, and at half the expense incurred by a tinkered-up Act.

89,253. In that programme that has been read the landlords were offered 20 per cent. of the purchase at Griffith's valuation for their interest?—Yes; and now they are offering to sell at 15 per cent., that is 25 per cent. less than Griffith's valuation.

89,254. Then you would say that the prices which Mr. Egan, Mr. Parnell, and yourself offered to the landlord in 1880 are higher and more generous than the terms they are getting now in Ireland?—Certainly by 25 or 30 per cent., and when we made that offer to the landlords we were denounced by the "Daily Express" and other Tory organs as being communists, spoliators, robbers, &c., &c.

89,255. That programme of land reform will be found at page 3698, my Lords. You have had some experience of the working of the Land Act of 1881 in the west of Ireland?—Yes; as much experience, I think, as any lawyer in Ireland.

89,256. Would you say that that Act proved a satisfactory settlement of the difficulties between landlord and tenant?—The present Government had another Act for the reduction of the rents fixed by their own Commissioners, that is the Act of 1887.

89,257. And you think that all these expenses and leading difficulties, and what not, would have been obviated if the proposal of the Land League of 1880 had formed the basis of legislation?—Certainly, the programme of the Land League was a comprehensive measure proposed by men who understood the country, and the 1881 Act was a tinkered-up Act, and prepared by men who did not understand Ireland, or they would never have passed such an Act.

89,258. What do you think of the Act of 1881 as a settlement of the differences with the tenantry?—Because of the provisions for the fixing of rents, that rents were fixed at a time when values were going down, foreign competition was going on, meat coming from America, wheat coming from America, oats coming from America, mutton coming from New Zealand, frozen mutton coming from Australia, beef from the Argentine Republic, competing with our produce, values have gone down 30 or 40 per cent. since, and any measure which provides for the fixing of rents must necessarily be a bad measure because land values are constantly changing.

89,259. Whilst that constant depreciation was going on, the Land Courts were fixing what I call judicial rents?—Yes, in the most irregular fashion, some Commis-



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

sioners knew their business, fixing rents properly, others who were army officers and did not know their business were fixing the rents improperly.

89,260. Who had the appointment of the Commissioners?—Dublin Castle, of course.

89,261. Dublin Castle is not an institution in touch with the people is it in Ireland?—It is not in touch with civilisation.

89,262. I put the question in this way, the people of Ireland had nothing whatever to do with the appointment of the tribunal that adjudicated upon the rents?—Except to criticise and condemn it.

89,263. You are aware that tenants have been evicted for nonpayment of the judicial rent in Ireland?—Yes.

89,264. Can you give instances where such evictions, even under such circumstances, constituted a great injustice?—Constituted a great injustice?

89,265. Yes, to the tenant; evictions even for the nonpayment of rent fixed in the Land Court, where the circumstances constituted a great injustice?—Certainly, evictions for any unjust rent or any impossible rent is an act of great injustice; the fact that these judicial rents were too high has been proved by the action of the present Government in appointing a body to cut down the rents, not under judicial investigation at all—to cut down the judicial rents.

89,266. Besides the question of foreign competition and the consequent falling in the value of farm produce, are there other causes which created discontent amongst the tenant farmers of Ireland during the last few years?—I did not catch the question.

89,267. Besides the disturbing element of foreign competition, are there other causes in Ireland to create discontent in the minds of the tenant farmers in the rents they paid to the landlords?—Oh, yes.

89,268. What were they?—I mentioned, from one cause or another, bad harvest, and so on.

89,269. But in addition to that?—Do you mean political grounds?

89,270. No, the action of the landlords with reference to the Land Act; did they in any way facilitate the just administration of the Land Act?—I must say this, that the landlords offered the most obstruction to the Act of 1881, as they did to every other remedial measure; for example, every technical objection that could be advanced in Court was advanced against the originating notice, which is the first proceeding taken; every technical objection was advanced, and in one case, upon a whole estate, the estate purchased from the Law Life by Mr. Kelly, the objection was this. Shortly before the sale the tenants were compelled to sign a written agreement by the agent of the owner, the tenants signed not knowing what they signed. When the case came into Court the purchaser from the landlord, Mr. Kelly, and his lawyer asked a tenant who came upon the table, did he hold under a written agreement? The tenant said, "Yes, I signed a paper." Then the document was produced and the landlord raised objection that it was not stamped. He at first cheated the revenue and then took the benefit of his own robbery by cheating the tenant, and he got the case dismissed because the document was not stamped and the tenant would have to pay 10*l.* upon it. That was the sort of step taken by the landlord after the Act of 1881; they took every advantage they could of the tenants.

89,271. We will leave that branch of the inquiry. Have you had in any official or administrative capacity to deal with agrarian crime in your part of Ireland?—Yes, as a member of the Presentment Sessions.

89,272. Have you had to investigate cases of farm burning?—House burning, cattle maiming, cattle killing, compensation for destruction of turf, and so on, burning hay stacks, burning ricks of corn, destroying growing crops.

89,273. What conclusion have you come to with reference to the origin of this class of outrage?—It is almost invariably the result of private malice, and it is largely owing to the action of men who before the Land Act were known as—well they were called grabbers—they were men who used to take small patches of land for meadowing, and if half a dozen men were in competition with one another the men who did not get the piece of meadow very often committed an outrage on the person who did.

89,274. Would you say that these outrages were beneficial or injurious to the Land League agitation?—They were decidedly injurious, because they were used as a means to blacken the character of the Land League.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,275. Then you would not say that the Land League resorted to farm burning and the maiming of cattle to propagate its principles?—No, my experience is that outrages were committed oftener on the Land Leaguers than others; that is of course in 1879.

89,276. Have you taken part in the investigation of the graver forms of crime, Mr. Louden, for instance, murder, firing with attempt to kill, and so on?—Yes, before 1879 I appeared as counsel for persons who passed presentments before the grand jury for sums of money to compensate them for the loss of their relatives who were murdered. I think before 1879, from 1872 to 1879, we had six or seven bad agrarian murders in Mayo, in my county, and I appeared for the people in many instances before the grand jury, and subsequently of course I had to go into an investigation of those cases.

89,277. With reference to these graver forms of outrages, what would you say, speaking generally, was the cause of them?—Are you speaking before 1879, or after?

89,278. Along the line of your experience?—I will give you the facts as they were in Mayo.

89,279. As briefly as possible please?—I am trying to be brief. Before 1879 we had several bad agrarian murders in Mayo and attempts at murder. For example, I think in 1872 and 1873 the shooting of Mr. Crotty, a Mayo landlord. On the first occasion—he was shot at several times—he got five bullets put into him; on the second occasion he was again wounded, and I think he was fired at a third time, if I mistake not. That was clearly agrarian. He was continually fighting with his tenants and they were trying to shoot him.

89,280. That was before the land agitation?—In 1872 and 1873. I remember the case because I appeared before the grand jury for the tenants, and though he was wounded very badly the compensation that he got was not very high. There was the shooting of Hunter before 1879, a very bad agrarian murder.

89,281. In Mayo?—In Mayo. There was the shooting of Tunbridge, in Mayo, before 1879, a very bad agrarian murder, and then there were a good many cases of firing at with intent, which were agrarian also.

89,282. All before the land agitation?—All before the year 1879.

89,283. I will just read one short extract now, and one only, from this publication by the “Times,” and I will ask you whether you agree here with a view therein set forth (page 108):—

“Jacob Omnium may be unfortunate in the scenes of his visitation. All places may not be like Letterbruk; all landlords may not be like the Mulligan. But why is it that in Ireland, and nowhere but in Ireland, events occur such as he witnesses, and men are found such as he paints. We believe, for our own parts, that there are no few good landlords in Ireland; we also believe that there is no small viciousness in the peasantry. But why is it that the former are lost and buried in the general leaven of their class? Why is it that the latter is so potent for mischief? This is only throwing the question a degree back. The condition of Ireland is not caused by the number of bad landlords or bad tenants. It is caused by that neglectful and indifferent state of things, that want of system, that absence of social regulation; without which the rich and the poor are ever in a state of mutual hostility. In Ireland the rich man has been taught to think that the poor man has no claim upon him. The poor man, neglected by the law, has learned to vindicate his rights by its infringement. The one extorts and oppresses, the other cheats or assassinates. The worst effect then of a bad system is thus realised. The good suffer for the bad. The tenant, demoralised by a sanctioned iniquity, evades the payment of his rent. His lessor treats his own landlord in the same way; and thus many are deprived of the means of practising that charity which is at once congenial to their natures and accordant with their station. On the one hand the peasantry, made callous by the affliction of one year and the injustice of many, filch from their landlords their legal dues and from the land its natural tribute of labour in order to transport the joint accumulations of fraud and imposture to some foreign shore or remote province. On the other, the landlord, irritated by the pride of caste and jealousy of covetousness, blinds his conscience to the wretchedness of his starved dependents, and while he stoops to solicit for his own kinsman or household the degrading arms of English



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“charity, shuts his ear and his purse to the wail of destitute industry, to the  
 “rightful demands of the worn out and infirm labourer and the plaintive suppli-  
 “cation of orphan or widowed helplessness.

“If there is one class of human beings which more than any other should  
 “pray for a Poor Law with all their hearts and souls, it is that of the Irish land-  
 “lords. The present state of things should be intolerable to them. They should  
 “not live one day more under its despotism. They should struggle to set them-  
 “selves free, as from an overwhelming burden of obloquy, infamy, and disgrace.  
 “No matter how good they may be individually, their class is branded with the  
 “stigma of a heartlessness hard as the nether millstone. It may be often an  
 “unjust accusation; but it is one to which partly their own folly, and partly the  
 “folly of the Legislature, have exposed them. They have lived, and do live, in a  
 “state of society which recognises no dependence of poor on rich; no claim of  
 “poverty on property; no duties of the few to the many. When this licence is  
 “guaranteed, is it not natural that many should avail themselves of it? When  
 “they do so is it not intelligible that the reputation of their class should suffer  
 “for it? And when, in addition to this, some of their body, instead of helping  
 “by their means, or suffering in company with those by whose labour they have  
 “been supported, came forward couching and crying to the voluntary agent of  
 “English charity for a sop of his eleemosynary *sportula*, is it strange that English  
 “indignation should be kindled at this shamelessness, and should denounce that  
 “miserable system which has made one class of Irishmen at once mean and  
 “oppressive, while it has made the others helpless as slaves and reckless as  
 “savages.”

—Yes.

89,284. You agree with those views?—I agree with the sentiment generally.

89,285. It is published by the “Times” in 1880?—Yes.

89,286. With reference to the cause of grave agrarian crime in Ireland?—Yes, in fact before 1879 agrarian crime was so great in Mayo that the grand jury tried to get the Westmeath Act extended to our county. An attempt was made, I think by Mr. Justice Barry, who was then Attorney-General, to get the Westmeath Act extended to our county.

(*Sir H. James.*) I assume we may take this as a reprint of the whole of the 1847 date; it is republished in 1880.

(*Mr. Davitt.*) It is republished in 1880 by the “Times” in consequence of the great distress in Ireland at that time, and I know it as expressing a contemporary sentiment on the part of the “Times.” In 1880 the “Times” were bringing these charges against Mr. Parnell and ourselves.

89,287. Now, Mr. Louden, as to the grave agrarian crimes which took place since the foundation of the Land League, can you give us any instances in Mayo?—Since the foundation of the Land League I do not know of a single agrarian murder in Mayo. I know of an attempt at murder, which was, I believe, an agrarian case, which was the shooting of Mr. Shaen Carter.

89,288. And you speak of the county from your experience as a resident in the county, and from your professional duties as a barrister?—Yes.

89,289. Did you make any inquiry into the murders of Lord Mountmorres, Feerick, and Dillon, which have been mentioned here so often?—I did; Mr. Brennan and I discussed that question, and we came to the conclusion that it was necessary to inquire and to ascertain who the persons were who were committing those outrages, or whether they were committed by any organisation, and I investigated them.

89,290. You did?—I did; I inquired.

89,291. What was the result of your investigation into these matters which I have mentioned?—If you will take them separately I will feel obliged.

89,292. Take Lord Mountmorres?—In the case of Lord Mountmorres I think that the police you saw here swore pretty accurately that it was because of the general belief among the people that he was a spy. Lord Mountmorres was in the habit, although a man of ancient lineage, of going about to public-houses and drinking with everybody, and it is a well-known fact that he supplemented his wretched income as a landlord by taking bribes from litigants in the Court of Petty Sessions.

89,293. Had the Land League of Mayo anything to fear from spies from the Government?—No, in fact Lord Mountmorres' murder was committed two days before the



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

Land League was started in Clonbur; there was no Land League nearer than Clarmorres, I think, at the time.

89,294. With reference to the murder of the unfortunate man Feerick, did you make an investigation into that case?—I defended the prisoners who were arrested for the murder.

89,295. You defended the prisoners on that occasion?—I did.

89,296. Did you get any instructions from the Land League or any money with reference to the defence?—No, Mr. Daly swore that the money was subscribed by the friends of the prisoners, and he swore accurately.

89,297. Was Mr. Daly the solicitor who instructed you?—He was.

89,298. And he was here as one of the witnesses produced by the "Times"?—He was produced by the "Times"; there were five men arrested. Mr. Sheehy, the resident magistrate who tried the case, refused to send them for trial; there was no case whatever against them.

89,299. They were discharged?—He refused; he did not return them for trial.

89,300. Were you of opinion, having an intimate knowledge of the case, that the murder of Feerick was in any way agrarian?—The murder of Feerick, I believe, was caused by his bullying disposition. He armed himself, and he was going about from public-house to public-house drinking and using this expression, "Let the captain of the Fenians come before me and see what I will do with him." And he would have a revolver in his hand at the time.

89,301. Did it transpire at the investigation, or come to your knowledge in any way, that the Land League had anything to do with the murder of Feerick?—No, the Land League had nothing to do, directly or indirectly, with the murder of Feerick; some young fellow who took up the challenge, I understand, met him on the road and shot him down. He was shot in open daylight on the mail cart road leading from Ballinrobe to Westport, within 200 or 300 yards of a funeral where there were a lot of people. It was a most daring act.

89,302. Have you any knowledge of murders, not agrarian, which were attributed by the enemies of the Land League to the Land League?—Committed where?

89,303. Have you any experience of murders in Mayo during the time of the Land League which the enemies of the Land League attributed to that organisation?—The enemies of the Land League attributed to the Land League every crime which was committed; even murders, they tried to fix the murder of Feerick on the Land League, and the murder of Dillon and the attempt of the shooting at Sidney Smith and so on. There has been no agrarian murder in May, that I know of since 1879.

89,304. Have you made inquiries into the origin of agrarian crime in the neighbouring county of Galway?—Yes.

89,305. During the time of the Land League?—Yes. The largest portion of land I hold does not exactly join, but is separated from the Letterfrack district by a narrow arm of the sea called Killorly Bay, and for several reasons I have had to investigate outrages in this way, Lyden's murder, Huddy's murder, and the outrage on Mrs. Blake.

89,306. Take the Huddy murder?—The Huddy murder was in the district of what they call Joyce's country, a mountainous country, extending from Loughmask to the shores of the Atlantic Ocean.

89,307. How many murders had there been in that district at this time?—I suppose there had been a dozen people killed in that district, and other cases of firing with intent; sheep killing, pitching sheep over cliffs, what the gentleman called the other way "clifting," driving cattle, and burning houses, burning hay ricks; in fact that county was the most lawless in Ireland bar Kerry.

89,308. Was the Land League strong in that district of Galway?—Oh, no, there was only a nominal league at Clonbur; there was a league at Letterfrack presided over by Father McAndrew, but that was a nominal organisation. I believe he scarcely convened a meeting of that body at all.

89,309. Now, Mr. Louden, I will ask you this very serious question; what is your theory as to the Lydens, the Huddy, and the Kavanagh murders?—All these outrages were committed at the instance of a body called the Herds League, proved here by a policeman in Roscommon. He swore he knew of the existence of a murder organisation, started through the Land League themselves somewhere in the neighbourhood of Castlerea; and an emissary from their body came down to this district, and all



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

the murders that were committed there, as the result of my investigation there, were committed either by or at the instance of that organisation through the individuals in that organisation.

89,310. Please tell us what the Herd's League was?—Purely and simply a murder organisation.

89,311. Had the Herd's League anything whatever to do with the Land League?—Except to shoot Land Leaguers.

89,312. To shoot Land Leaguers?—Yes, and to destroy cattle and sheep and other property of the Land Leaguers.

89,313. Have you any instance of where Land Leaguers have been so treated by this organisation?—Oh, most decidedly. I do not know whether they were examined here, but they were subpoenaed by the "Times." Mr. Michael O'Neill, and Pat O'Neill, large tenants under Mrs. Blake; Pat King, and so on; those were the men whose cattle were thrown over the cliff, and whose sheep were killed.

89,314. Who was Mr. Michael O'Neill?—He presided at our great meeting at Lenane. He was chairman at our Land League meeting, and a most popular man of the district.

89,315. An outrage was perpetrated upon him?—Certainly there was, and his cattle were driven over the cliff.

89,316. What year was that?—That would be 1880, I believe.

89,317. He, you say was, a Nationalist and Land Leaguer?—He was the chairman of the great meeting at Lenane, and Mr. Pat O'Neil, of Clifton, is a man of wealth—of very great wealth too. He is in half a dozen businesses, and he was a Land Leaguer. I am not exactly sure he was a Land Leaguer, but he was a supporter of the Land League cause, and a good Irishman.

89,318. Do you know, as the result of your investigation, if this Herd's murder organisation was in any way connected with and mainly in the pay of the police?—Oh, decidedly; Head Constable Whelahan who lost his life —

89,319. (*The President.*) What authority?—The result of investigation.

89,320. (*The President.*) What authority have you for making such a charge?—The authority of that is the statement of men connected with it, a man called Gavan, a herd with Mr. Houston, and several persons.

89,321. (*Mr. Justice A. L. Smith.*) Do you represent that the police were instigating these murders?—Most decidedly I do; I swear that Head Constable Whelahan had these men organised to commit murder, and he lost his life at that work; and they knew a man called Tracey who was in that district, and who I say was given to me as being the author of these outrages, and he is a bailed prisoner in the hands of the Crown at present. They had him over here, but he has gone over to Ireland again; that man can tell the whole story.

89,322. That man was brought over here and in England?—He was brought over from Belfast Gaol from here, and has not been examined. I only wish to say Mr. McKeon, a Protestant gentleman, and owner of a large hotel at Clewer—

(*The President.*) I cannot have that, you are exceeding all limits; charges of this sort ought not to be made except upon the clearest evidence, and not upon hearsay.

89,323. (*Mr. Davitt.*) Now, Mr. P. W. Nally has been mentioned here; do you know Mr. Nally?—Yes.

89,324. Was he present at the convention at Mayo in Castlebar in 1879?—He was in the town of Castlebar; I do not remember whether he was in the room or not where we held our meeting.

89,325. You heard it read from the report of the convention by the Attorney-General that Mr. P. W. Nally was elected one of the honorary secretaries of the Land League of Mayo; have you any knowledge about that?—He was elected with Mr. John Walsh; I think they were not elected as joint secretaries, but the election took place in this way. It was Pat Nally, and in case he refused to act John Walsh—I think that is the way the election took place.

89,326. Did Mr. Nally accept that post; had he anything to do with the Land League of Mayo?—He refused point blank to have anything to do with the Land League, and he never acted as secretary as the meeting intended.

89,327. Do you know if he was ever a member of the branch of the Land League in Mayo?—Mr. Patrick Nally was not.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,328. Would you say Mr. Patrick Nally was a respectable man, and was considered so by all classes in Mayo?—I think he was when I knew him; I knew him up to the time of his arrest; he never drank ardent spirits; he was I think a teetotaller; he was a champion athlete of the county, and one of the finest young men in Ireland.

89,329. Would he be a man likely to take part in murder or outrage or anything of that kind?—On the contrary, I know Patrick Nally did everything in his power to put down the Herd's League, and the emissaries of the murder organisation generally.

89,330. I have only a very few more questions to ask you. Have you any knowledge about the Crossmolina murder conspiracy that was alluded to?—Yes, I was instructed to defend Pat Nally in that case by Mr. Horgan, of Cork. I was brought down by wire, and I had to go back to Mayo on very important business, and did not return, and the case was adjourned for a week at the instance of the Crown, when he was defended by Dr. Webb.

89,331. Were you in Court when the informer Colman gave evidence for the "Times" of that conspiracy?—In Cork?

89,332. In court, here?—I was.

89,333. I cannot ask you with reference to his evidence whether it was true or not, but would you say, from your experience gained at the trial, and from your knowledge of P. W. Nally, that you believe he had anything whatever to do with the Crossmolina case?—I know he had nothing whatever to do with it, he was in Manchester; he had nothing to say to it either directly or indirectly.

89,334. Would you say, from your knowledge of that case, that this murder conspiracy was organised by Coleman.

(*Sir H. James.*) I must really ask you —

89,335. (*The President.*) What was the result of the trial?—The prisoners were found guilty, and got 10 years' penal servitude.

89,336. (*Mr. Justice A. L. Smith.*) There were letters of his?—There are letters here.

89,337. There were letters of P. W. Nally produced?—I do not know whether they were produced, but I know the Crown had a large number of letters printed; there are some letters of Coleman put in here which were in a box, and the Crown did not produce that letter on the trial; if they did there would have been no verdict—that letter was kept back.

89,338. (*Mr. Davitt.*) You probably heard the witness Beach swear that someone told him you were on the council of I. R. B. with Mr. Patrick Egan?—I beg your pardon.

89,339. Were you in court when the witness Beach swore someone told him you were on the council of the I. R. B. with Mr. Egan?—I do not think he swore that exactly; I think he swore I was on the council, and then he hedged a bit. I was not on the council of the I. R. B. with Egan.

89,340. Were you ever on any council of the kind with Egan?—I think on the council of the Home Rule League. I was an active member of the Home Rule League with Patrick Egan.

89,341. Were you ever a member of the I. R. B.?—Never; I did not know of the existence of the supreme council until I heard, I think, Mr. Biggar's evidence.

89,342. You remember the statement of the Attorney-General that you were an organiser of the National League?—I was never a member of the National League; not an organiser and not a member; never joined the National League. As a matter of fact, I never attended any of its meetings, or what were considered to be its meetings, at any rate.

Cross-examined by Sir HENRY JAMES.

89,343. You are a member of the Bar, I think you say?—I am.

89,344. The Irish Bar?—Yes.

89,345. How long have you been a member of the Irish Bar?—I think since 1871.

89,346. You say during the period you have been speaking of you were a member of the Irish Bar?—Since 1871 down to the present time.

89,347. I gathered from what you said that you rented some land which you occupy in Mayo?—Quite so.

89,348. Who is your landlord?—Lord Sligo and Lord Lucan.

89,349. That is the Lord Sligo you have been speaking of?—Yes.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,350. You were, therefore, a tenant occupying land under a landlord?—Yes, a tenant.

89,351. Just a word or two first. I understood you to say that the Land Act of 1870 aggravated the position between landlord and tenant, and created ill-feeling?—In Mayo certainly.

89,352. And made, therefore, tenants more angry with their landlords?—It made the tenants more angry as a result of the landlord's attitude towards the tenant.

89,353. Under that Act the attitude of the landlord towards the tenant caused the tenants to have a more angry feeling towards the landlords?—As the result of the action of the landlords, I believe.

89,354. By virtue of the power given to the landlord under the Act of 1870?—I did not say that. The bad feeling that sprang up in the breasts of the landlord against the tenant was the result of the feeling that their rights were seriously invaded by this Act of 1870.

89,355. Your evidence is too grave for me to play upon words?—I assure you, Sir Henry, I am not attempting that.

89,356. No, for me to play upon words; I understood you to say that the Land Act of 1870 had the effect of aggravating the feeling between landlord and tenant?—Of intensifying that feeling; I will put it stronger.

89,357. You said aggravating, I think. Between the years 1870 and 1879 did the feeling between landlord and tenant become intensified?—From 1860 to 1879, I should say that the bad feeling was more intense immediately after the year 1870, and that probably it began to die out as the years rolled by.

89,358. You must tell me about the rolling by of the years; when did the feeling begin to pass away—to roll away?—The bad feeling was evidently in the breast of the Marquis of Sligo. I must come to the facts of the case from 1870 down to the passing of the Act in 1875; he was constantly, well probably I may say, but in particular in 1875, he sent out Mr. Joy to survey the land, and re-value it, and in 1875 he issued notices to all the tenants on the estate who were not leaseholders, asking them for a very large increase in rent.

89,359. That statement is made before I ask you. You spoke of a bad feeling rolling by. When do you say the bad feeling commenced to roll away after 1870?—I must go there by estates.

89,360. Time is my point. It is your own answer?—But I am going to apply it to the several estates; the feeling may be different in one estate to what it is in another. For example, I take an estate with no attempt to increase the rent there from 1870 to 1871, the bad feeling was dying out, and in some cases there was no bad feeling at all.

89,361. Did the bad feeling exist at all after the year 1870?—Yes, most decidedly.

89,362. You seem to have made yourself acquainted with the outrages; did any outrages come into existence in Mayo after 1870, during the time when you say the bad feeling existed?—Yes, I gave you an instance.

89,363. Of course, but I am speaking of the increase of outrages. Did the outrages increase bad feeling?—If you mean by outrages generally—everything reported by the police as outrages—

89,364. I mean agrarian outrage. I have not gone into the question of anything but the fact as stated by you. Do you remember that agrarian outrages increased in Mayo after this bad feeling came into existence, after 1870?—My answer is, I have looked into no reports whatever.

89,365. Do you know?—I have looked into no reports whatever to give my evidence here. I have not looked into a single Blue Book; I have confined myself entirely to cases that came under my own notice.

89,366. I have said nothing about Blue Books or reports; you put them into your evidence. I ask you from your own knowledge now, answer the question, answer the question?—From my own knowledge, have outrages increased from 1870 down to 1880?

89,367. No, I did not put that question to you; you misunderstood me; that is not my question. During the time when this bad feeling which you say existed after 1870, did agrarian outrage increase in Mayo, or not?—As compared with what previous time?



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,368. All the past time?—No, there was more agrarian outrage in 1847 and 1848, when Lord Sligo and Lord Lucan cleared whole districts; when men were evicted, not by ejectment process, but wholesale, and the whole side of the country cleared out.

89,369. You need not compare it?—You told me to compare it, and so I did, and I have answered you.

89,370. Take the period before 1870?—That is a difficult question.

89,371. I put it to you, now answer it?—For the five years previous to 1870 I cannot answer the question, for this reason, I do not know what outrages took place for five years before 1870.

89,372. Were you living in Mayo at that time?—I was not; I was in London.

89,373. When did you first go to Mayo?—I went to Mayo in 1871 after my call to the bar.

89,374. For the first time?—Oh, no, not for the first; I was out of Mayo; I used to be there for a part of the summer; but for the most of my life up to 1870 I have been out of the county.

89,375. From your general knowledge of what you have heard you represent agrarian outrage increased during the time of the bad feeling which you say existed in 1870?—I cannot answer that question. I only state outrages from the passing of the Land Act in 1870 to the Land Act in 1879. I have gone into that question and compared with what occurred from 1879 to the present, and not before 1870.

89,376. Let us go by steps; when did you say the Land League first came into operation in county Mayo?—The Land League first came into operation when the organisation was founded, and that organisation was founded at the meeting spoken of by Mr. Davitt at Castlebar at which I was elected president.

89,377. (*Mr. Davitt.*) In August 1879?—That would be August 1879.

89,378. (*Sir H. James.*) There was a movement before that?—Yes, Sir Henry, there was a movement before that; the movement chrysalised itself, so to speak, in April 1879 in the meeting at Irishtown.

89,379. Would you recognise the term Nationalists of Mayo?—The Nationalists of Mayo is a very loose and vague, term understood differently by different people.

89,380. I will supply you with the explanation, it was one used by Mr. Davitt; what did you understand it to mean?—I do not think it is a fair thing to ask any person what idea presented itself to the mind of another person. You ask me what does Mr. Davitt mean by it.

89,381. Give me an answer if you can, if Mr. Davitt spoke of the Nationalists of Mayo, of whom would you understand he was speaking?—At what date?

89,382. I will take it, speaking of the time of 1879?—Up to 1879.

89,383. Speaking of the period of 1879?—Oh, all the period of 1879?

89,384. Yes, of that year?—It is impossible for me to answer that.

89,385. What is your answer?—It was applied to I.R.B. men, it was applied to Home Rule Leaguers, that is to say, the members of the Home Rule League, or the members of the Home Rule League in Dublin who were acting under Mr. Butt invariably called themselves Nationalists.

89,386. I am speaking of Nationalists in Mayo?—Yes, but in Mayo there were a very large number of people who were members of the Home Rule League. I myself was a member of the Home Rule League. I think most of the people at that time in Mayo were members of the Home Rule League.

89,387. I am not speaking of that?—I am talking of Nationalists. I say the term Nationalists was applied to all those men.

89,388. If Mr. Davitt speaks of the Land League having been promoted by the Nationalists of Mayo, whom should you understand he was speaking of?—I tell you I cannot possibly answer the question like that as to the idea which is in another man's mind. I say, speaking generally, if Mr. Davitt was speaking of a Land League meeting in 1879, he would use the term Nationalist.

89,389. Of Mayo?—Nationalists of Mayo.

89,390. Mr Louden, listen to me; you said in your evidence before the Commissioners if you heard Mr. Davitt speak of the Nationalists of Mayo, you could not have known of whom he spoke?—Put that way it would depend upon the context of his speech.

89,391. The context is —?—No, no, no; if I saw a speech of Mr. Davitt I could judge of the context at once, if you would read something.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,392. I will tell you?—Then I will be able to answer you.

89,393. Mr. Davitt says after the Irishtown meeting several meetings followed carried on chiefly by the Nationalists of Mayo; of whom did you understand him to speak?—I believe that taking into consideration the context there, Mr. Davitt meant by that all even who were opposed to alien rule in Ireland, to British rule in Ireland—that is to say to British rule existing under Dublin Castle.

89,394. As Nationalists?—Certainly, most decidedly, in a case like that, where he said carried on by Nationalists. If I swore as a matter of fact it was carried on—I know what you are driving at—by men, not Fenians—

89,395. Are you quite sure you know what I am driving at?—I think so; you want to make out that Mr. Davitt did that; used that term at that time for secret society men.

89,396. Then, I will not tell you what I was driving at?—Then I am wrong.

89,397. Should you speak of Nationalists as the Fenian body?—That would be included decidedly; that is to say, if I spoke of them in connexion with the Land League I should decidedly mean those who had honestly followed up the Land League agitation.

89,398. Who were the persons between the Irishtown meeting in August 1879 who had taken up the Land League agitation in Mayo?—The people.

89,399. Had any Fenians?—At every meeting held the tenant farmers of the whole district came. I do not think there were any abstentions.

89,400. Had Fenians taken up the movement?—It has been said here over and over again. I stated it a large number of the Fenians honestly took it up, and without any *arrière pensée* took up the Land League movement.

89,401. If you or Mr. Davitt say that the meetings were chiefly carried on by the Nationalists would you apply those words to the persons who attended the meeting, or promoted the meeting?—Most decidedly, to the persons promoting the meeting, and in a sense to the persons who attended the meeting, for if the tenant farmers had not been got to attend, the whole thing would have fallen through at once.

89,402. I am speaking of the promoters of the meetings as you suggest to me carried on by the Nationalists of Mayo?—You refer to the promotion of the League. The promoters would be any body of persons who promoted it; and as a rule, where the meeting was got up in a district, the tenant farmers who subscribed threepence or sixpence, and every man who subscribed one penny, would be promoters.

89,403. You call them promoters?—The men who supplied the sinews of war are as much promoters as any other.

89,404. Listen to me. Would you call a person a promoter who attended a meeting held or caused the meeting to be held?—Oh, most decidedly.

89,405. Were those men Fenians or not?—Certainly not; not as far as I know.

89,406. None of them?—Allow me to give you the meeting at Irishtown—that was promoted by me, and I am not a Fenian.

89,407. Partly by you?—To a large extent by me.

89,408. Mr. Davitt drew the resolution?—Mr. Davitt drew up the resolution.

89,409. We have got his account of it. I will not go through it?—Yes, yes.

89,410. You will not dispute anything that Mr. Davitt said as to it?—Language long before the Irishtown meeting.

89,411. In August previous to Mr. O'Connor's meeting. I am speaking of the several meetings carried on following the Irishtown meeting. Keep to these several meetings following that?—The principal meeting that followed Irishtown was Westport. I am responsible solely for Westport.

89,412. When Mr. Parnell attended?—I invited Mr. Parnell to attend Westport. I invited Mr. Davitt. Mr. Davitt of course knew that the meeting was being got up, because he had a controlling influence in the whole agitation. I invited Matt. Harris, and I paid Matt. Harris's expenses to Westport. They were not paid by any other source. I paid them by my own cheque and I paid Malachy Sullivan.

89,413. He said they were promoted and carried on chiefly by the Nationalists. You are not sole representative of the Nationalists of Mayo. We will put you in a prominent position.—Well, Sir Henry, you have gone into the question of promotion. I gave you my opinion that the tenants who attended and subscribed were the promoters. Then you came to an individual, namely, the person who was getting up the



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

meeting—and there you reduced it to a very poor limit indeed. I then followed you to Irishtown and I will follow you wherever you like, sticking to one or the other or as many as you like.

89,414. I am speaking of the general words used by Mr. Davitt. “Carried on by the Nationalists” ?—But I am on my oath now, and there is a great difference in a man speaking in a witness-box and the same person speaking on a platform.

89,415. Does that apply to yourself, Mr. Louden ?—Certainly ; I am more cautious here than in speaking on a platform.

89,416. That is your view ?—Most decidedly.

89,417. I am speaking of what Mr. Davitt wrote ?—Yes, certainly.

89,418. I think this is stated—I think I ought to be more accurate, I am reading from question 2848. First of all I will ask if this last statement of yours is true which I should not myself attribute to him : “Several meetings followed, chiefly carried on by the “Nationalists of Mayo,” do you represent that to be the loose speaking of Mr. Davitt, or not ?—In regard to the term “Nationalist.”

89,419. With regard to all ?—I say that if Mr. Davitt meant that the meetings were carried on by the Nationalists who were Fenians, that he said what was not a fact.

89,420. You have told me what you think Mr. Davitt meant, and you have said the meetings would not be promoted by Fenians. I will read you the words of Mr. Davitt :

“Several meetings followed at Irishtown carried on chiefly by the Nationalists  
“of Mayo, I do not mean by them as a society ; I do not mean by them as a  
“society, but as individuals.”

—I will go back now—

89,421. Having read that to you I am going to ask you—— ?—I will go back to my meaning.

89,422. I will go back to my question which has not been put yet ?—I beg your pardon.

89,423. “By them as a society,” what society do you understand ?—But I must understand where I am. We are talking now of the promoters of the meeting, and you exclude all men who subscribed, and reduce it to the persons who were behind as opposed to those who subscribed and attended. Well, confining myself to that, I here declare that the meetings were not promoted by Nationalists in the sense that Fenians promoted them ; and if you will give me the names of the meetings I will give you the names of the persons who did promote them, and I will tell you whether they were Nationalists or not in the sense I understand.

89,424. If you will be good enough to apply your mind to my question which has no bearing upon the answer you have given :

“Several meetings followed at Irishtown carried on chiefly by the Nationalists  
“of Mayo ; I do not mean by them as a society.”

What society did you understand Mr. Davitt to refer to there ?—The Fenian Society ; well I am wrong there—I mean a secret society.

89,425. I have said nothing about a secret society. Mr. Davitt has said nothing about a secret society. Will you attend to the language :

“Several meetings followed carried on chiefly by the Nationalists of Mayo ; I  
“do not mean by them as a society, but as individuals.”

I think you understand the passage ?—Yes, yes, yes.

89,426. Pardon me, perhaps you do not understand what I was driving at as you said. Just keep if you please now to the question. You do understand Mr. Davitt to mean “them as a society,” them as a Fenian society ?—I consider that extraordinary loose language.

89,427. Did you understand him to mean what you said you understood him to mean as a Fenian society ?—I really cannot say what Mr. Davitt meant. Of course I will admit at once that that language used would go to show that he spoke of individual Fenians as opposed to Fenians as a body, but I mean to say this, Mr. Davitt here used the term “carried on,” and you have used the term “promoted.”

89,428. I have discussed that with you, and I will not go back, carried on, promoted, or whatever it was, Mr. Davitt, according to you, considering his language by your statement now, says that he does not mean that these meetings were carried on by Fenians as a society, but by Fenians as individuals ?—I say that the language



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

would certainly convey that, but then I, for my part, wish to answer for myself and not for the language of anybody. Mr. Davitt is asked to account for Mr. Ford, and I am asked to account for Mr. Davitt, and I say as a matter of fact to my own knowledge that these meetings were neither carried on nor promoted by Fenians and men who were members of a society.

89,429. Let us go by steps. Is Mr. Davitt right or wrong in what he said here?—I speak to the language and not to the ideas that were in Mr. Davitt's head. I really cannot swear as to what exactly was in his mind at the time. I admit the language would convey that when he spoke of a society that he spoke of individual members of a secret society, probably the Fenians.

89,430. Taking the language as you say you did, is that language right or wrong in its expression?—If Mr. Davitt meant by that that those meetings were promoted by Fenians as individuals and not as a body, he would swear what was not accurate, because they were not promoted by Fenians, either as a society or individuals.

89,431. If Mr. Davitt said what you say it appears to mean——?—It would be correct.

89,432. What you say in Mr. Davitt's presence?—Most decidedly.

89,433. I suppose you agree in the estimate taken of the Archbishop of Tuam, that he is to be regarded as the foremost man in Ireland?—The Archbishop of Tuam?

89,434. Yes, Dr. McHale; you agree with that, I suppose?—At what time?

89,435. Do you limit it as to time?—Yes, certainly.

89,436. What should you say of the year 1879?—Dr. McHale—in the year 1879—what did he say—he wrote a letter, I remember, if that is what you mean.

89,437. Never mind what I am driving at?—I did not use the word. In 1879, he wrote a letter about the Land League.

89,438. Do you agree in the estimate formed by Mr. Davitt in speaking of Archbishop McHale as being the foremost man in Ireland?—Well, in 1879 his greatness was merely a souvenir; he was about 90 years of age and suffering from dementia.

89,439. That you believe of the Archbishop of Tuam, that he was suffering from dementia?—I say he was suffering from weakness of mind as the result of extreme old age.

89,440. And incapable?—And I say he was a great man, and one of the greatest men Ireland ever produced, and for his memory I preserve the greatest possible esteem.

89,441. In 1879, when performing his duties as Archbishop——?—In 1879?

89,442. I had not quite finished my question?—I beg your pardon.

89,443. You must do unto others as you would be done by; you may be cross-examining yourself. In 1879, when performing his duties as Archbishop of Tuam, was Dr. McHale suffering from dementia?—I should be very sorry to apply the term dementia to Dr. McHale under any circumstances, and I would like to withdraw that term; but I say that Dr. McHale had not the same greatness and strength of mind in 1879 which he possessed in his more robust years.

89,444. That is all you have to say. You are aware of the letter he wrote on June 5th, 1879, at page 3973?—He never wrote that letter.

89,445. Signed it?—I believe he did not.

89,446. Forgery?—I will tell you how that occurred.

89,447. No, no; yes or no, just answer my question. You say he never wrote it?—Never.

89,448. Nor signed it; I ask you is it a forgery?—Well, no, I will not say it was a forgery, because he may have given a general permission to sign for a purpose.

89,449. Who do you represent signed that?—Dr. Thomas McKean, a nephew of the Archbishop, of the Irish College, who was with him at the time, and he was a strong Conservative, and opposed to every effort for the redress of the wrongs of the poorer classes.

89,450. Do you represent the gentlemen you now name had or had not authority to sign the letter?—A general authority I said. I do not think he had a particular authority to sign that letter, and I do not believe Dr. McHale, as an Irishman, would ever put his hand to the letter.

89,451. Have you ever charged any person at any time with having written that letter?—I wrote a letter in reply to that in which I directly charged that Dr. Tom Mc Kean was the author of the letter.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,452. Will you produce that letter I spoke about which you said had been signed without Dr. McHale's authority? Have you the letter?—I have not the letter here.

89,453. Can you tell us where we shall find it?—Yes, most decidedly.

89,454. Where?—I will tell you in a minute. I think it will appear in two papers. It would appear in the "Freeman's Journal" immediately following the letter purporting to be Dr. McHale's. It would also appear —

89,455. One will do?—Oh, no, no. It would also appear in the "Connaught Telegraph."

89,456. We have got the "Freeman's Journal" here. June 5th is the date of this letter?—Yes.

89,457. Would it appear within the week subsequently to June 5th, 1879?—I cannot be sure whether it appeared in the "Freeman" or "Connaught Telegraph" or in both. I believe, in fact I am almost certain, it appeared in the "Freeman's Journal," and I can tell you the contents of the letter. I remember the contents.

89,458. No, no, we have the paper. I would rather take it from that. You think it appeared?—Yes, in that letter I charged directly that the letter was written by Dr. Tom McKean.

89,459. I have a reason for putting this to you. We will see it if we can. This letter of June 5th purporting to be signed by John Archbishop of Tuam was published, was it not, in the newspapers?—It was published either in the "Connaught Telegraph" or in the "Freeman," and I sent the letter in reply immediately afterwards.

89,460. You need not trouble about the letter in reply. We shall have it in a moment or two. This letter I will read and call your attention to. "Westport, June 5th, Dear Sir——" ?—Is that in the "Freeman's Journal" or the "Connaught Telegraph" ?

89,461. Will you attend to me, please?—I asked you was the letter addressed to the "Freeman's Journal" or to the "Connaught Telegraph" ?

89,462. It does not so appear on the note. It appears as a published letter. It is at page 3973. That is not given.

"Sir,

"In a telegraphic message exhibited towards towards the end of last week

"in a public room of this town, an Irish Member of Parliament had unwittingly

"expressed his readiness to attend a meeting——"

Do you know who that Member of Parliament was?—Mr. Parnell.

89,463. —

"convened in a mysterious and disorderly manner, which is to be held it seems at

"Westport on Sunday next."

—Yes.

89,464-5. —

"Of the sympathy of the Catholic clergy for the rack-rented tenantry of  
"Ireland, and of their willingness to co-operate earnestly in redressing their  
"grievances, abundant evidence exists in historic Mayo as elsewhere. But night  
"patrolling, acts and words of menace, with arms in hand, the profanation of  
"what is most sacred in religion—all the result of lawless and occult association,  
"evidently merit the solemn condemnation of the ministers of religion as  
"directly tending to impiety and disorder in church and in society."

—Yes.

89,466. Do I understand you that according to your information there had been no night patrolling?—I told you that up to the formation of the Land League in 1879 the state of things in Mayo was so bad they tried to get the Westmeath Act applied to it; and I have not the slightest doubt but that there was patrolling and outrages and that that was a fair description of what Mayo was until the Land League set it up.

89,467. I am speaking now of June?—Of course, and they must have written of events which occurred before the Westport meeting.

89,468. That speaks for itself. But I am asking you the question, is it true that shortly before this meeting took place night patrolling was going on?—Does it say shortly before?

89,469. I have not said to you what is in that letter. That is my question; you will be good enough to answer it?—I believe, Sir Henry James, that up to then there were outrages and night patrolling.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,470. And immediately up to then?—Very probably. I cannot recall any particular instances, but I believe that shortly before that Tunbridge was shot; shortly before that Hunter was shot; shortly before that a very grave outrage was committed down in Ballycroy where a man was wounded and so on, and there was night patrolling no doubt.

89,471. I do not wish to be diverted. When was Hunter shot?—Hunter was shot, I think, about 1877 or 1878.

89,472. I am speaking now of what was occurring in June 1879?—I have answered you by saying—

89,473. Will you be good enough to attend to my question. Shortly before June 5th, 1879, was night patrolling going on in Mayo?—I was just going to answer that.

89,474. Then be good enough to answer it?—I told you I cannot tell of any particular instance of night patrolling, but I believe it existed and existed years before, generally in Mayo.

89,475. For how many years before?—Very likely since 1867, the foundation of the Fenian organisation.

89,476. And it existed without interruption between 1867 and 1879?—Oh, decidedly. The county was in a shocking state up to 1879.

89,477. Did I gather your answer rightly that you said night patrolling had existed since the Fenian organisation came into existence?—I said that was probable. I have not stated the fact. I never saw a moonlight procession in my life, and I do not know whether such existed except from hearsay.

89,478. Take the probability. Do you represent that night patrolling was part of the Fenian practices?—I have not said that.

89,479. Then why did you say that you thought the night patrolling existed since 1867 when the Fenian organisation came into existence?—Well, I will tell you exactly my reason. Night patrolling, I think, would only take place where men were armed, and I understood there were no arms as a general thing in the country till 1867.

89,480. Go back to your answer that night patrolling existed?—Night patrolling means military evolutions; patrolling means marching.

89,481. That night patrolling existed from the time the Fenian organisation came into existence. Do you or do you not attribute the night patrolling which you say existed between 1867 and 1879 to the Fenian organisation?—I have not said that.

89,482. Do you say it?—No, not of the organisation. Well, it would depend upon what the patrolling was. If patrolling means drilling at night, which I believe it does mean—

89,483. Mr. Louden—?—Please, Sir Henry, allow me to answer the question.

89,484. I thought you had?—Yes, but wait just for one moment. If it means that it would be the Fenians, because there was an Act brought in to prevent drilling. One of our criminal Acts is an Act against drilling, and that Act was specially passed to meet this patrolling and drilling at night.

89,485. With regard to the night patrolling which you spoke of within the last three minutes, when you said it existed since 1867, when the Fenian organisation came into existence, do you attribute that night patrolling to the Fenian organisation or not?—I cannot say now what idea was in my mind at that time.

89,486. You say an idea was in your mind. You have been a member of the Irish Bar since 1871?—Yes. You will allow me to explain. You have perhaps caused me to think of another matter now. Certainly you have.

89,487. What other matter?—I have just given my mind to the word patrolling, and patrolling certainly means military evolutions most undoubtedly, at least I so now understand it. In that sense it would mean the drilling at night, and there was an Act of Parliament passed to put it down.

89,488. Will you be good enough to answer my question. When you said some three or four minutes ago that night patrolling existed since the Fenian organisation came into existence, did you mean that that night patrolling was due to the Fenian organisation?—I did not say that it existed; I said I thought it did. That was my opinion. It was simply a matter of opinion.

89,489. So take my question as amended?—Very well. I say now that it is very likely it did exist in 1869, and perhaps it may have existed before for aught I know.



5 July 1889.]

JOHN JAMRS LOUDEN.

[Continued.]

89,490. That is no answer to my question?—Well, you know it is very hard to answer what you do not know anything about. I really know nothing at all about it.

89,491. I am speaking of what you said here. If you knew nothing about what you were talking about a few minutes ago, I will not ask any more about it; but do you wish the Court to understand that?—About patrolling.

89,492. About the night patrolling which you stated had existed?—I certainly say I do not know anything as a matter of fact about night patrolling except the assertion of the Archbishop. I do not know anything about it.

89,493. When you said just now the night patrolling existed since 1867, when the Fenian organisation came into existence, did you know what you were talking about?—Certainly, because an Act was brought in to put down drilling at night.

89,494. Did you know what you were talking about?—Yes, because an Act was brought in to put down drilling at night.

89,495. Do you attribute that night patrolling, of which you then spoke, to the Fenians, or not?—If drilling certainly.

89,496. And that only?—At present I say that.

89,497. At present you will say all you mean, and that only?—At present I say that. That is the only idea present to my mind now.

89,498. What do you mean by “at present”?—I do not know of any night patrolling at all in Mayo; but I heard of night patrolling; I heard of drilling at night, and I know there was an Act brought in to put it down. That is all I know.

89,499. Did you hear of any other night patrolling in Mayo?—I know outrages occurred. I would not call that patrolling.

89,500. Did you hear of any other persons patrolling for any purpose except that of drilling?—No, I never heard of patrolling for any illegal purpose except drilling. I say patrolling. I used the word patrolling. That is purely a military term.

89,501. I said for any other purpose except drilling which, of course, included a military object?—No; I have never even heard of men going through a military formation to hough a bullock, or to commit any other outrage of that class.

89,502. Do you think that is an answer to the question?—I do my best to answer you.

89,503. I never said meetings went into a military formation to hough a bullock. I asked you whether you heard of any patrolling for any other purpose except that of drilling? Do attend to that question?—Well, I really do not believe I have ever heard of patrolling for any other purpose than military.

89,504. You say so?—I think not. If you can give me an instance, it will refresh my memory.

89,505. You come from Mayo?—I ask you to give us information. Just think before you answer. Do you represent that, at any time before June 1879, you had not heard of any patrolling, except that patrolling which is necessary for military purposes or drilling?—Before 1879?

89,506. June, I gave you the date?—No, I have heard of no patrolling before 1879.

89,507. I will take your answer. Then do you understand that when these words were written “night patrolling,” the only patrolling they could be applied to——? The man who wrote that letter is a man who has lived all his life in Paris, and is living there now, Dr Tom McKean.

89,508. I did not finish my question, which is immaterial to you; but if you will allow me to finish my question I shall be obliged. My question to you was, when you read this letter as to night-patrolling you would have known there was no other patrolling to which it could apply except patrolling for the purpose of drilling?—I gave the letter no consideration in the world except to reply to it.

89,509. I have read to you these words. Do you represent the words “night-patrolling” can only apply to patrolling for purposes of drilling, if rightly stating facts?—Will you kindly read the context?

89,510. I will:—

“In a telegraphic message exhibited towards the end of last week, in a public room of this town, an Irish Member of Parliament has unwittingly expressed his readiness to attend a meeting convened in a mysterious and disorderly manner, which is to be held, it seems, at Westport on Sunday next. Of the sympathy of the Catholic clergy for the reck-rented tenantry of Ireland, and of their willingness to co-operate earnestly in redressing their grievances,



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“ abundant evidence exists in historic Mayo as elsewhere. But night patrolling,  
 “ acts and words of menace, with arms in hand, the profanation of what is most  
 “ sacred in religion, all the result of lawless and occult association, eminently  
 “ merit the solemn condemnation of the ministers of religion as directly tending  
 “ to impiety and disorder in Church and in society.” That is the context?—  
 That is a general expression of opinion.

89,511. You would not represent persons committing acts and words of menace as being patrolling for military purposes—drilling?—No.

89,512. Did it come to your knowledge at all that in, I will put the first five months of 1879, persons did at night together—I use the word patrol the country using menaces, and with arms in their hands?—For the first five months of 1879.

89,513. Yes?—Well, I cannot fix the dates, but I know that several men visited the houses of Mr. Houston’s herds and fired into them about that date. It was shortly before the Irishtown meeting, certainly before the Westport meeting. They fired into the house of a man called McPherson, a Scotchman. They fired at a man called Little, or fired into his house, and bodies of armed men unquestionably did go about in those maintainous districts, touching Maamtrasna, and they committed outrages.

89,514. Parties of armed men?—Decidedly: so it was represented that parties of armed men went out at night and fired into these houses. I saw the bullet marks myself on McPherson’s house.

89,515. Were those persons out for the purpose of drilling?—How could I possibly answer you?

89,516. Because I want to know?—I really do not know. I know the fact. I saw the bullet mark; I saw the house; I saw the door bored and all that sort of thing, but I cannot say whether these men marched in military array, or went irregularly, or were drilling. They might have been drilling that very night, they shot into the house for aught I know.

89,517. These were the persons of whom you spoke when you said the persons may have been patrolling for the purpose of drilling. I will take your answer. It may be. Do you represent that as an educated man?—I really, Sir Henry, cannot answer questions put in that form.

89,518. You cannot?—I cannot. I think it would be a great deal better if the technical term “patrol” were left out altogether, and a common word was used.

89,519. I have endeavoured to obtain a construction of it from you. Who do you represent these persons were of whom you have last spoken?—I swear solemnly I do not know who they were.

89,520. Not individually, but what class of person?—Nor as a class of person do I know who they were. Speaking of the men who committed those outrages upon McPherson and so on, I believe the outrages committed at that time, for example upon Crotter, Hunter, and McPherson, were committed by young men, what they were I do not know.

89,521. Crotter was murdered in 1872?—He was not exactly murdered, but he was riddled.

89,522. That was in 1872?—Yes.

89,523. I am speaking of the first five months of 1879. You spoke of a body of men who were committing outrages at this time, and you gave a certain district, the Maamtrasna district?—Touching the Maamtrasna district.

89,524. You did, touching the Maamtrasna district. Pray attend. Have you any knowledge of the class of men who formed those bands or that band?—There was only one class in the country. It is the agrarian class, young men, young farmers’ sons. There is nobody else in it.

89,525. Sons of farmers?—Yes.

89,526. Do you believe they were Fenians or not?—It is impossible for me to answer that when I really do not know; but I would imagine, that if they had rifles, if they had guns, they would have been Fenians; at least that some Fenians would have been amongst them. I will not say the Fenians as a body would have been there.

89,527. Do you say those bodies of men have been acting in the manner that you have described above in very bad years prior to the spring of 1879?—Well, I really cannot say how long that state of things existed, but I know that attacks upon houses were very frequent in Mayo in 1876, 1877, 1878, and 1879—attacks upon Mr. Houston’s



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

herds; attacks upon Crotter; attacks upon an Englishman (I forget his name) who was living near Crotter; and during those years unquestionably houses were fired into and outrages of a very grave and serious character were committed; and I may mention this, that the cattle maiming, and burning of hayricks, and that sort of thing were very common too. I have had some cases myself. There were several bullocks killed of my father's, and a herd of my father's; had his hayricks set on fire; another had his turf-stacks set on fire, and all preceding 1879.

89,528. I am asking you a question; If you cannot answer it, say so?—I can give you no information as to these men. What they were I really do not know. If I did, I would tell you.

89,529. I was asking you whether you say that state of things had existed before the spring of 1879?—Yes.

89,530. It had?—Yes.

89,531. To the same extent and the same degree?—As compared with what other period?

89,532. You see my question. Had it existed before 1879 to same extent and degree as it did exist in 1879? I leave that at large to you?—I cannot answer that question for I really do not know.

89,533. You had not heard of it existing had you? Take the year 1878. Had you heard such bands of men existed at that time?—I speak of the instances that came within my knowledge, and I know of nothing else.

(*Sir H. James.*) I do not wish to ask this withness in detail as to the returns.

89,534. As far as you know, would it be correct to say that in the years 1877, 1878 and 1879 there were no murders of an agrarian character in the county of Mayo?—I do not know of any murders in those years.

89,535. Agrarian murders?—I do not know of any.

89,536. I am taking the agrarian murder and agrarian offences of the very highest character. I am speaking of agrarian offences of a grave character against the person. Do you know of more than four existing in the year 1877, three in the year 1878?—I do not know of any cases but the cases I gave on my direct examination.

89,537. I will not occupy time by going into detail as to the exact date of every one of the cases you speak of; but can you give any number of offences of a grave character against the person exceeding in number four and three respectively in the years 1877 and 1878? If you can, name them?—No.

89,538. Very well; that will do for me. Now taking you in order of time?—I went back before 1877 and 1878 for those cases. I went back to 1870.

89,539. Yes, I know. Take the period between 1870 and 1878 as a period of prosperity in Mayo?—Between 1870 and 1878 was a period of prosperity.

89,540. Continuous and unbroken?—No, I would not exactly say that.

89,541. What would you say?—I would say that there was not what you could call in that time a bad year. Some years, however, were better than others.

89,542. What year should you say was nearer to a bad year than the others?—I should say 1873, 1874, and 1875 were the three best years.

89,543. What should you say to 1876?—1876 was a tolerably good year; not so good as 1875.

89,544. If I may use such a term, was there any tolerably bad year?—I do not know of one.

89,545. Then I will take it those were years of prosperity?—They were years of relative prosperity. Prosperity!

89,546. Yes?—Yes, the landlords were prosperous during those years, because they got their rents.

89,547. I do not think you misunderstood my question?—Oh, there is no prosperity amongst the tenant farmers of Ireland. It does not matter whether the year is good or bad, there is no prosperity for them in Ireland.

(*The President.*) The question is put in an agricultural sense.

89,548. (*Sir H. James.*) And a relative sense?—I live in a district in Mayo, my Lord, where tenants run some cattle on wild mountains entirely unfit for agricultural purposes.

89,549. (*The President.*) That is not the question. You are asked whether they were good years. Agriculturally speaking, were they good years?—The point of view of the price of cattle regulates it.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,550. (*Sir H. James.*) No?—Well, they were good years.

89,551. I am speaking relatively as regards crops?—Relatively they were good.

89,552. May I take it they were all good from 1870, up to and including 1878, or not?—Yes, I have said so.

89,553. They were all prosperous from 1870 up to and including 1878?—Yes.

89,554. Now a question or two about your connexion with the Land League. What position did you first occupy in the Land League?—Do you mean the National Land League of Mayo or after it was extended to Ireland?

89,555. I take the Land League of Mayo as a branch of the Central League?—No, we first started in Mayo the Land League.

89,556. I should not have called that the Land League of which we are speaking. There may have been a combination of tenants?—But there was not a combination of tenants.

89,557. Do not let us discuss words. When did you in any way become connected with the National Land League of Ireland?—When it was started.

89,558. May I take it that according to you as October?—Yes.

89,559. Do you give the date as October or August?—August, I think.

89,560. There are two dates which may be taken. What position did you occupy in that Land League?—At first I was a member of an organising committee having for its object to collect funds, and so on, and to frame rules. Later on we formed an executive, and I was a member of the executive.

89,561. That, I suppose, was the executive sitting in Dublin?—When the body became definitely formed there was an executive, and I was a member of the executive.

89,562. That was sitting in Dublin?—Certainly.

89,563. Did you at that time reside in London, or did you live in Mayo, and go to Dublin from time to time?—I resided principally in Dublin.

89,564. May I take it then you were an active member of the executive?—Certainly.

89,565. From the time of the formation of the Land League down to October 1881?—Down to Mr. Parnell's arrest.

89,566. The dates are the same?—Yes.

89,567. They are virtually the same within a few days?—Yes.

89,568. Were you actively employed in the executive of the Land League, or actively engaged during the three weeks preceding the suppression of the Land League in Dublin; were you in Dublin?—Will you give the exact date, please.

89,569. I will take from the 1st of October till the suppression of the Land League?—When was the Land League suppressed?

89,570. I think the date is the 18th October?—I had no connexion with the Land League after Mr. Parnell's arrest. I took no active part in the administration of affairs after Mr. Parnell's arrest.

89,571. Mr. Parnell was arrested on the 13th October?—After that I took no part.

89,572. Mr. Parnell was arrested on the 13th October, and the Land League was suppressed formally on the 18th?—Yes.

89,573. I will take please the dates between the 1st October and 13th October. Were you in attendance at the offices of the Land League?—I was part of the time.

89,574. About what part?—Well, I was there when Mr. Parnell was arrested and make a speech from the rooms.

89,575. That would be on the 13th?—Yes.

89,576. And had you been there in attendance for days before that arrest?—A few days, about a week.

89,577. Had you ever seen Patrick Egan in Dublin during the year 1881?—Yes.

89,578. How many times?—I think twice.

89,579. When was that you saw him?—I think it was in April and in October.

89,580. Under what circumstances did you see him?—I do not understand what you mean by that. I met him in the ordinary way as usual.

89,581. What I wish to convey is did you meet him at the Land League rooms or in a private house or socially?—Where and under what circumstances did you meet Mr. Egan?—I think I met him in April at my hotel The Gresham, and I think I saw a report the other day in the "Freeman," it may be here, that I was at a meeting which he attended.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,582. Do you recollect that now?—No, I do not, but I think it is all right.

89,583. Speak of your own recollection as to seeing Mr. Egan?—Yes.

89,584. You do recollect seeing him on one occasion you speak of, which I think you said was April at the Gresham Hotel?—I think it was in April, but I will not commit myself to the date.

89,585. From anything you learnt, can you tell upon what business, if any, Mr. Egan was there in Dublin?—No; I do not know his particular business, but I know he came to the Land League rooms and that sort of thing.

89,586. He did?—I think so.

89,587. For what purpose as far as you know did he come to the Land League rooms?—Well, I really forget if it was any particular purpose, but I think he came over at that time in connexion with the North City Milling Company, of which he was a director. He was engaged very extensively in business, and he was partner with Mr. Roche in the North City Milling Bakery.

89,588. Then what brought him to the Land League rooms?—The treasurer would come into the Land League rooms.

89,589. That is what I thought?—As a matter of course, he came as a member of the executive.

89,590. He was the treasurer who had been residing in Paris?—Oh, I was treasurer unquestionably.

89,591. But what was he? Mr. Egan had been the treasurer, and had taken the funds to Paris?—He did not take the funds. The executive decided to invest a certain amount of funds.

89,592. The funds were in Paris, and Egan was in Paris?—Certainly.

89,593. He came back and remained treasurer of those funds. After that his accounts were audited. He was treasurer surely in 1881?—Certainly.

89,594. Then what did the treasurer do at the Land League rooms?—I really do not understand; he was a member of the executive. It would be an extraordinary thing, I suppose, if he were to come to Dublin without visiting the Land League rooms; they were wide open, in Sackville Street.

89,595. That is exactly what I mean; he was a member of the executive?—Certainly.

89,596. And being treasurer of the Land League he came into the Land League rooms to attend the meetings of the executive at the Land League rooms?—That I forget, I do not think he did. In April?

89,597. Yes?—I do not think he did. Possibly he may have, I do not remember; I do not think he did. To be candid with you I think he was with me a good deal of the time at the Gresham Hotel and I was with him a good deal.

89,598. To use language that you will understand, if not, why not?—If not?

89,599. You have heard that before I say if not, why not?—I do not understand.

89,600. If he did not come to the executive meetings why did he not come to the executive meetings?—I do not know that there were any executive meetings while he was in Dublin; he was there only a few days.

89,601. You were there and the others, and he was your treasurer from Paris?—That is no reason why he should have attended specially meetings.

89,602. But there was no reason why Egan should not have transacted business there?—No reason whatever.

89,603. You have left the second time of seeing him in doubt. What is your impression as to seeing him the second time?—I have no particular impression; I believe he was in Dublin at that time; that is all I know.

89,604. What was the time?—The 5th of October was the time.

89,605. Is your memory what you think you saw him in October?—I think so, yes. I will tell you why I think that particularly, because a month previously I was taking a course of baths in the Pyrenees, and coming back I called on Mr. Egan at the Hotel Normandie in Paris; he was not there. I was told he had gone to Ireland, and I believe when I came across I met him in Dublin; that would be on the 5th of October.

89,606. Then as far as you know, Mr. Egan had no reason at that time for secreting himself, and hiding himself from anyone, had he?—Oh yes, he would have. In April I think there was a warrant. I was told, I think I told him myself; I was informed that there was a warrant for his arrest, under the Coercion Act, but at the same time



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

I must say he was walking about the streets of Dublin without the slightest attempt to hide himself, and I walked with him. On the 5th of October there was no reason that I know of.

89,607. In the first place do you recollect at all about how long he remained in Dublin?—No, I believe in October it was when he came over that time, he came over to attend the half-yearly accounts at the bank of the mill; and to look up his private affairs as proprietor of a very large establishment. I do not know of any other reason.

89,608. And in the first 15 days of October you held meetings of the Land League?—Mr. Sexton was in charge then, and Mr. Sexton, I am sorry to say, was very ill, and I do not think we held any meetings then.

89,609. We have reports in the newspapers of such meetings?—There may have been.

89,610. Have you any reason to give to the learned Commissioners why Mr. Egan should not have attended those meetings in October?—I thought I saw in the "Freeman" that he did.

89,611. And you believe he did?—I certainly do. If it is in the "Freeman's Journal" I believe it.

89,612. Have you any reason to believe that these were bogus reports inserted in the "Freeman's Journal"?—I do not think so. I do not believe the "Freeman's Journal" would put in bogus reports. I heard it said here, but I believe that was the result of a strange mental condition.

89,613. This is a matter upon which I am asking information from you?—I wish it, though, to be thoroughly understood, that I am not by any means sure as to the correctness of that report; I am not by any means certain of it, but I believe the "Freeman" would not be capable of publishing a bogus report.

89,614. What do you say about "United Ireland"?—I have not seen the report in "United Ireland."

89,615. What do you say about "United Ireland" being capable of publishing bogus reports?—I do not believe Mr. O'Brien would be capable of doing a dishonourable act.

89,616. I do not know whether your praise or censure will deviate from each other. What do you say as to the "Daily Express" publishing bogus reports?—I have not said so.

89,617. I know, but what do you say, do you think it would be capable of it?—I have known the "Express" do queer things.

89,618. I am afraid that will apply to a great many persons and things, but do you say that those papers would be capable of publishing bogus reports, the "Freeman's Journal," "United Ireland," and the "Daily Express." "United Ireland," as to one meeting, I think?—Yes.

89,619. Do you think there were any bogus reports in respect to Mr. Egan's attendance, and what I am asking now is in consequence of your last answer; do you suggest that any of these newspapers put in bogus reports in respect of Mr. Egan's attendance at meetings?—I really do not know.

89,620. I will go on. Was the practice of the branches to send up the Central League Office a proportion of their receipts?—Yes.

89,621. I presume their proportions would vary, but am I right, as a rule, in saying—perhaps I had better ask you, can you give me any proportion of per-centage that would be sent up?—No; there was some rule, but I forget it.

89,622. (*The President.*) Seventy-five per cent. I think it was said?—That is for the National League, not for the Land League.

89,623. *Sir H. James.*) If they could they would send up 75 per cent.?—I think that would be the National League, I do not know, but there was some rule.

89,624. I think you are right; it refers to the National League; you are speaking now of the old Land League?

(*The President.*) All I had in my mind was this, that the only rule that had been named was 75 per cent., whether it referred to the National League or the Land League, I do not know.

(*Mr. Lockwood.*) There was some evidence given, I think, that was not quite in accordance with that.

(*Mr. T. Harrington.*) At the other part I think that was the rule, but not at first.

(*Sir H. James.*) Of the Old Land League.



5 July 1889.]

JOHN JAMES LOUDEN:

[Continued.]

(*Mr T. Harrington.*) Of the Old Land League.

89,625. (*Sir H. James.*) Did you receive at the time you were acting on the Executive sums of money. I will put it generally first, from the Branch Leagues?—Yes.

89,626. Was an account kept of those moneys?—I should say so; of every penny received.

89,627. Of the sums retained by the branches, was any account of the expenditure of those sums ever sent to the Central Office?—No, we sent down people to look up the accounts.

89,628. “Look up,” is a vague term; to do what?—To audit the accounts.

89,629. You did send up people to audit the accounts?—Yes, that would be part of the business of an organiser.

89,630. I will come back, if you please, to that. Let me ask you, I am quoting from a speech of Mr. Parnell's, I will tell you at once what I am quoting from, at page 2201. Mr. Parnell is here reported to have said, under date 24th of September 1881:—

“Ireland subscribed last year to the local branches of the Land League, for Land League purposes, something between, as far as we can ascertain, eighty and ninety thousand pounds.”

That would be the year 1880, you know Mr. Louden?—Yes.

89,631. “Of this sum, it is true, only a very small sum, about 20,000*l.* reached the Central Executive, the rest having been spent upon local expenses, much of which it is possible, will not be necessary this year.”

First let me ask you, as far as your knowledge goes, do you think Mr. Parnell had accurate information when he made that statement?—I should say so.

89,632. Therefore there would be, taking that statement to be accurate, either 70,000*l.* or 60,000*l.* expended by the branches?—Yes. What year?

89,633. I gave you the year, 1880?—Yes, I think it is fully that amount.

89,634. So the 75 per cent. of what came in under the rule, of course never did reach the Central League?—I did not say that 75 per cent. was sent.

89,635. No, we have got it as a written rule?—But you must remember that the money all came from the Central Branch, that 60,000*l.* was relief money, that came from America, and was proposed by way of grant.

(*Mr. Lockwood.*) I understand from Mr. Sexton that the rule to which reference was just now made, came into operation after the Convention of September 1881; that is so far as the Land League is concerned.

(*Sir H. James.*) I understood the rule that was given was much earlier than that.

(*Mr. Lockwood.*) The rule was given in evidence with regard to the Land League.

(*Sir H. James.*) I daresay that is so.

89,636. But whatever was the rule we have it here, and the statement meets your sanction, that in the year 1880 there was between eighty and ninety thousand pounds.

“Of this sum, it is true, only a very small sum, about 20,000*l.*, reached the Central Executive.”

That leaves a balance you know?—Were subscribed to?

89,637. Yes?—I think that is a mistake. I think that has reference to the Relief Fund, distributed, which came to us, to begin with, and was sent down to the branches. I think that must be a mistake. I cannot comprehend how such a large sum of money could have been subscribed by the Land League branches. I think that is a mistake.

89,638. I will read you the whole, of course you and Mr. Parnell may not be at one on the subject?—I think that must be a mistake.

89,639.——

“Of this sum, it is true, only a very small sum, about 20,000*l.*, reached the Central Executive, the rest having been spent upon local expenses.”

That I do not regard as meaning relief:—

“Much of which, it is possible, will not be necessary this year.”

Of course in the first year of the Land League you would have local expenses?—No; that is a mistake; he meant by that, that there was no distress that particular year,



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

and that this large sum of money would not be required, in fact that no such sum was subscribed to the Land League as 90,000*l.* or even 60,000*l.*

89,640. I am upon the words—

“The rest having been spent upon local expenses, much of which, it is possible”?

By local expenses Mr. Parnell evidently meant the local relief fund.

89,641. You are speaking to your view?—I have not the slightest doubt about it.

89,642. At any rate a substantial sum, and a very substantial sum, remained in the hands of the branches of the Land League for distribution?—No, the branches had the control of no substantial sum of money.

89,643. They had to send up, and did send up to you, what they collected?—There was very little, most of the money subscribed by the local branches was expended in getting up meetings.

89,644. Expended by them, and not sent to you?—Yes.

89,645. That is exactly what I am saying to you?—They were very small sums.

89,646. What was sent to the local branches; they spent what they liked and sent the balance to you?—Yes, in the beginning.

89,647. In the year 1880 I am speaking of?—Yes.

89,648. Who were the men who were sent down to audit these accounts?—The organisers I should say. I remember Mr. Davitt went down and audited the relief expenditure in the west.

89,649. Who were acting as auditors?—The organisers.

89,650. Their name, please?—We generally sent Mr. Harris where there was no regular organiser specially to audit.

89,651. Is that the gentleman we have heard of, Mr. Matthew Harris?—Yes.

89,652. When he comes may I treat him as the principal auditor?—He was.

89,653. How long was Mr. Matthew Harris the principal auditor?—He was a member of the executive from the beginning and doing work like that from the beginning downwards.

89,654. Did he send you up any reports?—Certainly, to the executive.

89,655. In writing?—Certainly.

89,656. And you saw them?—I did not see them. I was not a member of the finance committee.

89,657. Who would see them?—Mr. Egan, Mr. Brennan, and probably Mr. Dillon or Mr. Sexton. Mr. Sexton took a very active part in the organisation.

89,658. That was the system, that the accounts of the branch should be inspected as far as you could, tested, and then the result of the audit sent to the Central League?—Certainly.

89,659. (*The President.*) And did those gentlemen whom you have named constitute the finance committee?—Not always; sometimes Mr. Kettle would act; it depended upon who would be in the country or who would be in Dublin. When Mr. Egan went to Paris he practically ceased to be a member of the finance committee or of the executive; he was treasurer in Paris.

89,660. You mean that you had no fixed finance committee?—No, they were appointed from time to time by the executive.

89,661. (*Sir Henry James.*) Can your memory help us to the extent of learning from you who were the finance committee. First, can you give me their names during the year 1880?—In the year 1880 I would say that Mr. Egan, Mr. Thomas Brennan, and one more member of the executive, who would be there at the time, would be the persons to look up the accounts, to receive the accounts.

89,662. Can you give a name to that gentleman?—Mr. Sexton was one who took a very active part, Mr. John Dillon when he was in Dublin always went into the question of finances.

89,663. Can you give me the names of any other auditor except Mr. Matthew Harris?—I do not call them auditors.

89,664. Who acted as auditors. I give way to you upon that point?—No, I cannot give you any other name.

89,665. No other name?—No.

89,666. How many branches had you in Ireland, do you think, at that time?—I gave Mr. Davitt 850, but we had more later on; at present I cannot tell you.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,667. You do not represent that Mr. Matthew Harris audited 850 branch accounts?—I would not represent any such thing.

89,668. Who else acted?—I should say the auditor of the district would have done it, but so far as I am concerned I could not tell you. I even could not tell you now what district Mr. Boyton audited. I had a vague idea he was organiser for Leinster, but only a vague idea.

89,669. I think you have used a phrase you did not mean to use. You said auditor of the district, do you mean organiser?—I meant organiser of the district. I was wrong.

89,670. Organiser of the district?—Yes.

89,671. Perhaps I can get at what I want by this, who were the organisers of the district?—Of which district.

89,672. Any, I want to get at the auditors. I am told that I shall get at it probably by getting the organisers, who were organisers during 1880?—I cannot tell you.

89,673. Do think?—The reason why I cannot tell you was that there was the chief organiser.

89,674. Who was he?—Mr. Dillon was chief organiser first, after him was Mr. Thomas Sexton the present Lord Mayor of Dublin.

89,675. Was Sheridan an organiser according to you?—Not according to me but I heard Mr. Davitt and others state that he was. He was in one sense an organiser. In the early days of the Land League, I do not believe he was a member of the Land League at all. Later on I met him down at Dundalk, one day and asked him what brought him there. He told me he was sent down by Mr. John Dillon as an assistant organiser, that is the word he used, and that is all I know. He did not come through Dublin, but came round through Fermanagh.

89,676. And in whatever sense you use the word "organiser" as applying to Mr. Sheridan would he or would he not be one of the auditors of whom we have been speaking?—I do not know, he said so and we have heard it stated here and of course I accept it that is all I know.

89,677. Taking what you accept that is in your mind?—I really do not know much about the organising business. I was not a chief organiser and the organisation was in the hands of the chief organiser.

81,678. If you cannot tell me say so. Should you say that Sheridan was a man who would ever audit these accounts?—Certainly, if he was an organiser I would say he had audited the accounts.

81,679. Is that your general knowledge from all you know or are you giving heed to that which you think you can rely upon, from what you have heard would you say Sheridan would audit the accounts or not?—If he was an organiser, yes.

89,680. Was Brennan an organiser?—Never.

89,681. He would not audit the accounts?—He would. I would not say exactly audit them. Brennan would look after the books in the office.

89,682. What I mean by auditors auditing the books of the branch League?—I do not know that Brennan ever visited a branch with the intention of making an audit.

89,683. Was Walsh of Middlesborough an organiser?—Walsh of Middlesborough was never a member of the Land League in his life.

89,684. Was he or was he not an organiser?—He was not an organiser, he was not a member of the Land League, and I never saw the man in my life, and never heard of him until the other day.

89,685. Was John Ferguson an organiser?—No.

89,686. Was Boyton an organiser?—Boyton was an organiser.

89,687. Would the payment of the organisers appear in the accounts?—I should think so.

89,688. For instance, under date of April 16th, 1881?—

(Mr. Lockwood.) From what source do you get that?

89,689. (Sir H. James.) From the account of the Hibernian Bank from February 4th, 1881 to July 28th. It is exhibit 3. We have here J. Ferguson, organiser in Scotland. Was he organiser in Scotland?—Who?

89,690. J. Ferguson—John Ferguson?—No; John Ferguson was not an organiser in Scotland, but I would not be much surprised that he had something to do with the Skye or Crofter agitation.

89,691. Who were, according to you, the organisers in 1880?—John Dillon.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,692. No one else?—And they had appointed—Boyton I would say would be one of them in 1880.

89,693. I think you gave one the name of Mr. Sexton?—No, I have not given you the name of Mr. Sexton.

89,694. (*The President.*) He said Mr. Sexton followed as chief organiser?—Certainly as chief organiser. I gave you the name of Matthew Harris.

89,695. (*Sir H. James.*) You said Mr. Sexton was chief organiser?—He was practically the head of the League.

89,696. That may not include any visits to audit the accounts of the Land League?—No, I do not believe he visited a branch in his life to audit the accounts.

89,697. Can you give me any names except Harris Sheridan in the qualified sense you have mentioned it and Boyton?—I think Mr. Harrington was organiser for Kerry. I think he took charge of Kerry, and generally of the south of Ireland.

89,698. Which christian name is it; Mr. Timothy Harrington or Mr. Edward?—Mr. Timothy. I always considered that Mr. Timothy Harrington had charge of the whole of the south of Ireland.

89,699. Is it according to your views that Mr. Timothy Harrington audited the accounts or not?—Oh, certainly; or got somebody else to do it for him.

89,700. That was 1880. Did that system of audit continue during the year 1881?—The accounts were always audited; at least I understood so. It was not my business, but I always understood so. I had other business to attend to altogether.

89,701. Your branches increased after the relief from the Arrears Act was thrown out in the House of Commons?—Not the Arrears Act, it was the Disturbance Act.

89,702. You are quite right. The Disturbance Relief Act. After that your branches increased?—I cannot fix the dates of the increase, but they increased over 850, that is all I know.

89,703. They latterly increased?—Yes.

89,704. And the audits increased?—Not necessarily the number of audits, but the audits.

89,705. How often did these audits take place?—I am testifying to what I really know nothing about; it was not my business. I had other things to look after, ejectments, sales of farms and so forth. The legal work was on my shoulders entirely, and I had no time to look into the accounts.

89,706. As far as you know were those audits yearly or half-yearly, or every three months; what?—I do not know the system.

89,707. They took place from time to time?—They took place from time to time. I saw that the work was going on and kept myself *en courant* with the debit and credit.

89,708. Were those accounts sent up, the documents kept or destroyed?—Well, they were documents which would be written up in a ledger and then probably destroyed.

89,709. Were they destroyed to your knowledge?—Of them I know nothing, absolutely nothing.

89,710. You will not say they were?—I know absolutely nothing about it.

89,711. Do you know at all, if these documents were kept, what became of them?—Seeing that I know absolutely nothing about them, I think it excludes the whole question; I know nothing.

89,712. Do you know what became of them at all if you do not say so?—I have said I do not.

89,713. Coming, Mr. Louden, to the five days in October?—It is half-past one.

(Adjourned for a short time.)

(*The Witness.*) I beg your pardon, Sir Henry. Have you that letter that was asked for in the evidence of my cross-examination. Is it found?

89,714. (*Sir H. James.*) We have not asked for it. We shall return to it; you mean about the Archbishop in the "Freeman." We shall return to it. If you wish to mention it now do?—Yes, I wish—if it be not found—

89,715. No. We cannot find it. You shall have an opportunity of course. My Lords will allow it perhaps to be produced at any time?—I have a distinct recollection it was published.

89,716. You mentioned the "Freeman's Journal"?—And the "Connaught Telegraph."



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,717. And the "Connaught Telegraph"?—Yes.

89,718. I may tell you you may be able find it. Mr. Soames has searched and not been able to find it. The papers are here, and they shall be at your disposal. It will be shortly after June 5th. It will probably be the week after. Now, Mr. Louden, going back first to the organisers, did I understand you to say that Mr. Timothy Harrington was the organiser for the south-west of Ireland?—I did not say that. I consider Mr. Harrington had control more or less of the south of Ireland, but not that he was organiser.

89,719. Control in what sense?—He was the most important man in the city who came to town. He did not attempt to take part in the business of the Central Branch.

89,720. Was that the business of organising the accounts?—I do not think he was, because I said so, upon the question of the accounts. I was examined about a thing of which have scarcely any personal knowledge whatever; and in talking of the organisation of branches, I had reference particularly to what I know, that is, my own branch at Westport, and I know Mr. Davitt did come down there and make an audit of the accounts of the branch there. I know nothing more about the accounts.

89,721. You were upon the executive council?—Yes.

89,722. If application were made for grants from a branch of the League, what was the practice in relation to considering and making those grants?—Members of the council present would have the letter of application submitted to them by the secretary, and they would consider the question, and they would grant or refuse, as the case may be.

89,723. And then would a letter be written by a member of the executive council, or by an acting secretary in answer to the application?—It would be by the acting secretary.

89,724. I think you know Mr. Dorris; was he acting at all in the rooms of the Land League?—Yes.

89,725. What is his Christian name?—William, I think.

89,726. You have known Mr. Dorris some time, have you not?—Yes, he was sub-editor of the "Connaught Telegraph"—reporter or sub-editor, or both for a considerable time.

89,727. Was he in September 1881 engaged in the Land League offices in Dublin?—I should think so.

89,728. In what capacity?—I think so. In September 1881 I was in Courtray,

89,729. We are coming to October, when you told us you were in Dublin?—I think Mr. Dorris was there, but I have no distinct recollection. Mr. Dorris acted as my secretary for some time.

89,730. And of course you are well acquainted with his handwriting?—Well, no; at the present moment I could not swear to his handwriting. I have no recollection of his handwriting at the present moment.

89,731. Take that signature and tell me if you believe that to be his handwriting. Look at the signature (*letter handed to the witness*). Only look at the signature?—Well, I would not undertake to swear it.

89,732. What is your belief. He has been acting as your secretary. What is your belief?—I am not looking at the contents. I am looking at the date.

89,733. Just look at it. I do not mind your looking at the date?—I only want to look at September 29th.

89,734. We have his writing proved by other witnesses. What is your belief as to that?—My belief is *prima facie* that is his.

89,735. Had you any knowledge of a man named Butterfield?—Yes.

89,736. John Butterfield?—Yes.

89,737. What position did he occupy?—I do not know what his position was, but he organised a meeting, or I think he was a member of a branch down Newry or Dundalk. I forget which, and I remember attending a meeting at which he was present.

89,738. Would he be what you call a paid organiser?—I do not know.

(*The President.*) He organised meetings.

(*Sir H. James.*) I think we have proof on this subject.

(*Mr. Davitt.*) The witness did not say he was an organiser.

(*The Witness.*) It was not my answer.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

(*Sir H. James.*) I thought you said you knew of his organising at some place.

(*The President.*) He organised a meeting.

89,739. (*Sir H. James.*) In a document that is in?—I do not remember ever having met Mr. Butterfield but that once.

89,740. In a document that is in there are rules for the guidance of organisers, and then we get J. P. Butterfield, and here is the account: "To secretary, from 9th of September to 12th of October, 12*l.*, cash advance for organising purposes, 10*l.* Paid. "J. O'Kelly for J. Butterfield"—See whether you recognise that document. It is in and proved, so I only ask you to refresh your memory?—Do you mean this account or the letter?

(*The President.*) Where shall I find a reference to it?

(*Sir H. James.*) It is in Farragher's evidence, my Lord.

(*The Witness.*) "Statement of Expenses."

(*Sir H. James.*) What is the exhibit number? The witness would not know how it is marked. That is the officer of the court. It is Farragher exhibit No. 43.

(*The Witness.*) What did you ask me?

89,741. Do you know Butterfield's handwriting?—No, I never saw it in my life, as far as I know, to my knowledge.

89,742. It is page 2080 I wish to ask you?—I am wrong in saying what I did; I saw him twice. I went down to defend prisoners there when he was present.

(*Sir H. James.*) My Lord, in Mr. Parnell's evidence, at page 3929, he is asked the question, and he says:—

"I could not recollect at all the names of the Land League organisers at the time, and I have since been able to recall these additional names—My Lynam, the Rev. Harold Rylett, an Unitarian clergyman."

It is printed here "Mr. Maurice Butterfield." I am told that is a misprint.

89,743. Do you know any Mr. Butterfield besides Mr. John Butterfield?—I know the name of Butterfield, and I know nothing else.

89,744. However, there we have got the individual. Now let me ask you this. It is proved in Mr. Dorris' handwriting. I will read it to you, because I wish to ask you what course of business would take place upon this. This is a letter signed by William Dorris, 27th September 1881, addressed to Patrick Burke, Kilvain, Roscommon. It is quite new:—

"DEAR SIR,

"THE Executive are anxious to give you some assistance in the case. They have directed me to send your statement to our solicitor, and to inquire what the costs of the bail motion would be. They are of opinion that the friends of the prisoners should subscribe half the expense, yours faithfully."

And here is the memorandum on that signed "John Butterfield." I can only put in the document as being proved to be Mr. Butterfield's handwriting. There are several more in his handwriting, and I ask for a comparison by your Lordships. Now, my Lord, the memorandum on that in Mr. Butterfield's handwriting in this case is:—

"Three men are in jail on a charge of intimidation and housebreaking waiting their trial at Mullingar Assizes the 5th December. I must have a promise that a grant will be made for their families, and they will be defended by counsel sent by Executive. 2*l.* each would"—

The word "be" is left out—

"2*l.* each would be well received, and they are really deserving. 8th November 1881"—

I think it is November—

"John Butterfield. The prisoners are 7 weeks in jail."

89,745. Now, I want to ask you who would be the person who would consider such an application as that?—The letter states, I think, that it was referred to the solicitor, Mr. McGough.

89,746. No, I think not—

"The Executive are anxious to give you some assistance in the case. They

"have directed me to send your"—

Is that Dorris's letter?

(*Mr. Lockwood.*) This is signed Dorris.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,747. (*Sir H. James*):—

“The Executive are anxious to give you some assistance in the case, and they have directed me to send your statement to our solicitor, and to inquire what the cost of bail motion would be.”

Who would be the persons who would consider that application?—If I were there I would be the person. I happened to be at Courtray at the time.

89,748. I have given you the date, September 1881?—I was at Courtray.

89,749. What would Butterfield have to do with that?—I have not the remotest idea.

89,750. You see we have here an account:—

“To Secretary, from 9th September to 21st October, cash advanced, 12*l.* For organising purposes, 10*l.*”

Would Mr. Butterfield have to make inquiries?—I do not know what Mr. Butterfield would have to do under the circumstances. I did not understand the thing at all.

89,751. Where is Mr. Butterfield?—I have no idea.

89,752. If anyone should know it I should be glad.

(*Mr. T. Harrington.*) He is dead. He died after two or three years.89,753. (*Sir H. James.*) You would not know?—I do not know at all. I saw him twice to my recollection, and only twice in my life, and I do not think I ever saw a letter written by him, or in his handwriting.

89,754. I only want to know. Have you any explanation to give how such an application as that would be dealt with beyond coming before the executive, or whoever were acting?—If an application came to me for a contribution for the defence of prisoners who were indicted for housebreaking, or anything like that——

89,755. We have got intimidation.

89,756. (*The President.*) Would you let him finish?—I should reject it if it were housebreaking, or any offence of the sort.

89,757. The words were “intimidation and housebreaking”?—Most decidedly I would reject it.

89,758. That looks rather like moonlighting to you. would it not?—Intimidation and housebreaking?

89,759. Yes, put them together?—I really do not know. I never heard of moonlighting except in Kerry; but “intimidation and housebreaking”? speaks for itself.

89,760. Very well. I think it does. Who would be acting on the executive at the latter end of September 1881. You say you were away?—I think the executive were all in gaol, or nearly all in gaol. They were not all, but a good many of them were. I really do not know who was.

89,761. (*Mr. Lockwood.*) There are two dates?—I really do not know who was there in September.89,762. (*Sir H. James.*) Mr. Sexton I do not think ——?—Mr. Sexton was seriously ill at the time.

89,763. Mr. Sexton I do not think was ever arrested under Mr. Forster's Act?—Indeed he was. He was taken out of his bed when he was gravely ill, and at the risk of his life.

89,764. Was Mr. Harrison in charge at this time—a clerk?—I never met him in my life.

89,765. Do not you know him?—No, never saw him.

89,766. Was Mr. Arthur O'Connor in charge at all?—When I came back from France Mr. O'Connor was sent there to regulate and organise the office.

89,767. What was the exact date you came back from France?—About the 26th or the 27th of September.

89,768. That is the date that you found Arthur O'Connor in charge?—He told me he was not in charge, but he came there to regulate the affairs of the office. There was considerable disorganisation owing to the arrest of the members who were in Kilmainham under Mr. Forster's Act.

89,769. Did you remain attending the offices till the League was suppressed?—No. Up to Mr. Parnell's arrest.

89,770. Till the 15th?

(*Mr. Justice A. L. Smith.*) The 13th.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,771. (*Sir H. James.*) What course did you take then, did you leave Dublin?—I had to. My affairs were in a sad state of arrears at the time, and I had to go down and look after them, and I had to go and attend at the sale of some cattle.

89,772. Did you leave Dublin on the 16th or 15th?—No, I will not say that, but I distinctly remember being in Dublin when Mr. Parnell was arrested, and I remember leaving a few days afterwards.

89,773. We are on very minute details?—Well, about two days afterwards.

89,774. Did you know any anything whatever of the removal of the Land League books?—Absolutely nothing.

89,775. (*The President.*) What?—Nothing whatever.

89,776. (*Sir H. James.*) You had been on the Executive Council?—Yes.

89,777. And of course you had seen books and documents in the office?—Yes.

89,778. Do you mean to say that you have never been consulted as to the removal of these books and documents?—Never.

89,779. Have you in the same way as you have given evidence from information obtained, have you obtained any information as to what has become of these books or documents?—I never asked a question on the subject, sir, never.

88,780. It is but fair to you to put a question to you. When you knew the office had been broken up, did you not inquire what had become of the books and documents?—When the office had been broken up, why did I not?

89,781. Yes?—Well, for the simple reason I considered everything was done that ought to be done; and that the affairs of the Land League were in perfectly competent hands. There was another reason at that time. There was a Ladies' Land League; and they had control in matters of relieving the tenants, and that sort of thing; and they took up a large portion of the work previously done by the Land League Executive. They looked after tenants who were evicted—after their wives and children, and built huts, and acted in a general way towards the distress of the poor, and they largely took up the work done by the Land League. That is another reason why I did not interfere with the Land League, and asked no question.

89,782. I do not know that I quite caught your answer. I think you said you thought matters were in competent hands?—In competent hands; in proper hands; in able hands.

89,783. To whom do you refer personally when you said in competent hands?—When I said that, I had no individual in my mind. I concluded the affairs of the League would be looked after. Mr. Egan, who was in Paris, for example, would see that proper persons would be there to manage the affairs of the League.

89,784. You see the leaders were in prison?—Most of them. Mr. John Ferguson was out, Mr. P. D. Sullivan was out, Mr. Timothy Healy was not a member of the executive, but he exercised some control. He was out, and Pat Egan was out. All the members of the executive were by no means in prison.

89,785. Just now I understood you to say most of them, the leading members?—Most of them were, decidedly.

89,786. Under those circumstances, you being at large, did not you inquire who had taken possession of those documents belonging to the League?—To be candid with you, I never looked upon the books of the League as being of any great importance.

89,787. Nor the documents?—Nor the documents. I never came across a document during my experience in the League offices that was of any great importance.

89,788. Do you know Mr. Arthur O'Connor's handwriting?—No.

89,789. You say you do not know it. Did you know Mr. Harrison?—Mr. Harrison? Never met him. I never saw him to my knowledge. It is possible I may have seen him. I did not recollect it when I heard the name mentioned at the time. Did I know him? I heard he was an army officer on half pay.

89,790. You never heard he was left in the office?—No, I never heard. That he was in Dublin; that he was a friend of Arthur O'Connor; that he was connected with the War Office; in particular that he was a British officer? You have no information of any kind or description to give me with relation to those books or documents?—No, I said before if I had I would tell you at once.

89,791. You knew inquiry was being made as to these documents. You knew some time ago that inquiry was being made as to what had become of those documents?—I heard it in Court several times.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,793. Have you ever endeavoured to trace them since?—Never. I never discussed the question with a human being.

89,794. That I will take from you.

89,795. (*The President.*) Does anybody else know?—I never spoke to anyone.

89,796. Has anybody else attempted to find what became of them?—That I know nothing about. I never asked a question about it, and I never spoke of the books.

(*The President.*) I suppose we shall hear. On behalf of the Commission, I express the desire, and I may say we expect that a search should be made, and we should hear what has been done.

(*Mr. Justice A. L. Smith.*) I emphatically agree with that.

(*Mr. Lockwood.*) I beg your Lordship's pardon.

(*Mr. Justice A. L. Smith.*) I emphatically agree with what the President has said.

(*Mr. Lockwood.*) As I understand from the conduct of the case every search has been made. Wherever books and documents have been forthcoming they have been produced here.

(*The President.*) That is not quite the point. What became of the books of the Land League. It is time inquiries were made what became of them. Into whose hands did they pass. Where were they taken?

(*Mr. T. Harrington.*) My Lord, there are numbers of books that have not been examined at all. I understand we have not heard of any books that have not been produced.

89,797. (*Sir H. James.*) We will keep to documents, Mr. Louden. Mr. Dorris is alive, of course, we hear?—Yes.

89,798. You have interested yourself in this case. Have you not taken the evidence of some of the witnesses. If I am wrongly informed?—Of some of the witnesses?

89,799. I think you have?—Oh, no. I am just thinking—No. I do not know of a single one.

89,800. When I say taking the evidence I am speaking of what you well know in the profession. Have you not taken evidence from them and discussed matters with the witnesses?—In this case? Oh, decidedly not. I have taken a personal interest in this case, and I have taken an interest as a member of the executive of the Land League, and I have taken a very strong interest in the case as my own character has been very strongly attacked in this Court. But I must say I have taken no evidence whatever.

89,801. In respect of the Mayo witnesses. Have you not seen Mayo witnesses—your own county?—Never spoke to one of them, and never took the evidence of one of them.

89,802. If you say so I will take it?—I have interested myself in other matters, and I have not dealt with this case one way or the other, either directly or indirectly.

89,802. (*Sir H. James.*) Perhaps, it will save time, before I ask the witness any question about it, if your Lordships see the document that was put in, stated that three men were in gaol charged with housebreaking, and that a sum of 2*l.* each would be well received. I am not reading the whole of it. Now, my Lord, in one of the books that has been produced, Exhibit D. 2, there comes an entry—

“November 16th, J. J. Butterfield, 6*l.*”

89,803. Now Mr. Louden, I have got to deal with a very serious matter with you; you spoke just now of a certain society called the Herds Society?—Yes, the Herds League, I said.

89,804. When did you first become acquainted with the existence of a Herds League?—I think about 1880 or 1881, I think it was in 1880.

89,805. Will you give me, as accurately as you can, the date you say you became acquainted with the Herds League?—It was in connexion with these outrages at Letterfrack and with the murder of the Huddys and the Maamtrasna murder, and I made inquiries.

89,806. I want the date from you; I will not have the facts?—It was about the date of these murders, and you can get the date in that way. The only way I can fix the date is to give the date of this murder.

89,807. Go through that process in your own mind, and give me the date when you say you first heard of the Herds League?—I cannot tell you.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,808. In the investigation of what murder was it, that caused the mention of the Herd's League?—It was in connection with the murder of Lyden at Letterfrack, I think. I think that was the first intimation I got of it.

89,809. What county is that in?—That was in Galway.

89,810. Is that the Lyden murder?—Yes.

89,811. That is the 24th of April, two attacks 24th of April, 1881, and 21st of May 1881?—Yes, that was about it.

89,812. I understand you to say——?—That was the first time I heard of that.

89,813. Slowly please?—Then I think I traced it back to an earlier date.

89,814. I want to go back to an earlier date. I have a reason for that, please?—

Yes.

89,815. You recollect Feerick's murder—David Feerick?—That I think is in June 1880. I think so, somewhere thereabout.

89,816. In relation to that murder you said, I understood, some young fellows shot him down?—So.

89,817. Did they belong to any secret society?—I have no idea.

89,818. Then you do not connect them in any way with the Herd's League?—Oh, not at all. I will tell you about that.

89,819. No; if you will answer my question simply?—I have answered the question. I want to explain the matter. You ask me about the date. Feerick was shot down on the highroad, he was immediately picked up by Mr. Glover the county surveyor, and he saw a young man walk away from the place, and he drew the inference that the young man shot him down, and he walked away.

89,820. Your impression was that some young fellows shot him?—Fellows?

89,821. Some young fellows?—There were no more than one or two, I think. There were no more than two anyhow. Mr. Glover told me there was no person within reach at the time; there was a funeral far off, but only either one or two young men.

89,822. (*The President.*) You spoke of it as a most daring thing?—So it was; men shot at in broad daylight.

89,823. I suppose from the apparent danger of some of those people seeing them?—It was 2 o'clock, in open daylight, on the open road, within one mile of Ballinrobe.

89,824. (*Sir H. James.*) You did not attribute that murder to Herds League?—Certainly not.

89,825. Or any secret society?—I did not know of any secret society; it was done, I believe, by either one or two men; what they were I do not know. I know the men who were summoned and charged were found not guilty, and there were five of them brought up.

89,826. Then what did the daring consist of?—In facing a man who was well known to be armed, on the high road, in open daylight, within a mile of a town where, at that time, there were cavalry patrols, and within a short distance of an enormous body of men at a funeral, and I believe a couple of thousand men; I think that was a daring act.

89,827. How far was the murder from from where these 2,000 men were?—There are two roads, one going from Ballinrobe, and the other going in the direction of Castlebar. Across the fields it would be 500 yards, and there were fields and high walls between where the murder was committed and the funeral.

89,828. I do not gather what distance that would be?—I said four or five hundred yards, but I am not at all certain. The distance was not long by any means.

89,829. You know this young man, or these two young men were never discovered?—Never.

89,830. Do you know of any strangers being in the district at that time?—No.

89,831. Now please attend. The statement was that the Herds League was a society organised for murder?—That is my belief.

89,832. And was a society organised for murder and connected with and being in the pay of the police?—Connected with.

89,833. I have got your words?—Yes, but connected with the Herd's League. I never said such a thing. I said that Head Constable Whelahan was well known to have organised outrage in the district, and he was in touch with the parties—one of them, that is what I said.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,834. I took the trouble, it was so serious to me, to ask the shorthand writer for the exact words?—There was a policeman in this Court who proved the existence of the Herd's League in Roscommon. He was asked the question. It was I who suggested the question, and he said he did hear of such a league. My Lord, I thought it so serious I took the trouble to get the shorthand writer to give me this. "Do you know as the result of your investigation of this Herds League organisation was in any way connected with or mainly in the pay of the police." That is what I am calling your attention to?—I certainly did not mean for one minute to convey the idea that the Herds League was in the pay of the police, but that it was in connexion with the police.

89,835. That being upon the note, I now ask you whether you desire to alter your evidence, and if so, in what way?—Certainly. "In the pay of the police." I do not know the Herds League was in the pay of the police.

89,836. Do you wish to withdraw that statement?—Yes, "In the pay of the police." I certainly said this man Tracy was in direct contact with the police, and from my information Whelehan was unquestionably a party to murder and other outrages in that district, and he has lost his life at that work.

89,837. You have repeated a great many things a great many times. If you will kindly attend to the question we shall shorten the matter?—I will try.

89,838. I will, please, have an answer from you?—Will you repeat your question? I thought I had answered it.

89,839. The Herds League, you say, was a society formed for the purpose of murder? So I was informed, and outrage generally.

89,840. And I understand you to fix the date when you knew of that to be in the year 1881?—I told you I fixed the date from Lydon's murder, who was a herd himself.

89,841. I have given you the date of Lydon's murder?—Well, that was the time.

89,842. We have got the date of that right?—Yes.

89,843. Did you learn where the Herds League existed?—I heard that it began in Roscommon. It was sworn to here by a policeman.

89,844. Give me the name of the policeman?—He was one of the witnesses here, but I really forget his name.

89,845. He gave you no information. You knew of this before?—Yes; I did not know before that it was formed in Roscommon.

89,846. You say this Herds League was formed in Roscommon?—Yes; the policeman swore it.

89,847. But do you swear it now, according to your belief?—According to my belief, yes.

89,848. (*The President.*) Is your belief founded only upon what you say some witness has said?—That, my Lord, and a statement made to me.

89,849. Do not refer to what the witness has said, but what you know in your own knowledge, or that you are in a position to state?—Up to that time I did not know where the organisation was founded, and I asked Mr. Davitt to ask this policeman coming from the district whether he knew of a Herds' League, which was a murder organisation, and he said yes; he heard of it in Roscommon.

(*Sir H. James.*) May I ask my friend's assistance? Probably Mr. Davitt will recollect, if he put the question, the name of this policeman.

(*Mr. Davitt.*) I do not remember the name, but I recollect the evidence of the policeman distinctly.

(*Sir H. James.*) It is not in my recollection. My friends have given it me. I think it is Patrick Murphy.

(*Mr. Justice A. L. Smith.*) What is the page?

(*Sir H. James.*) On this question it is at page 781. It is in the cross-examination by Mr. Michael Davitt at pages 780 and 781. He is being asked, my Lord, about a meeting. Mr. Davitt says—

"(Q.) How did you learn about this meeting being held; did you read a notice or see a placard?—(A.) It was announced, a National League meeting at Ballynakill.

"(Q.) There was no public announcement?—(A.) I think not.

"(Q.) Did you read a report of the meeting in the papers the following morning?—(A.) No; I never saw a report of it.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

“(Q.) Are you in the habit of reading the papers?—(A.) Yes.

“(Q.) Which papers?—(A.) The ‘Freeman’s Journal’ generally and the ‘Irish Times.’

“(Q.) You did not read in the ‘Freeman’s Journal’ about this particular meeting?—(A.) No; I never saw it in any paper.

“(Q.) Do you know if the meeting was a herds’ meeting?—(A.) It was not a herds’ meeting.

“(Q.) There was a great number of herds present?—(A.) There were three or four, perhaps more.

“(Q.) Are you sure there were no more?—(A.) There might be more.

“(Q.) How long have you been in Galway?—(A.) In Galway since October 1883.

“(Q.) Did you know, or did you hear of the existence of a Herds League in Galway?—(A.) I did; I heard of it.

“(Q.) You did not know it of your own knowledge?—No.

“(Q.) Who did you hear it from?—(A.) I read it in the paper, or heard it in several other ways.

“(Q.) You did not hear it officially?—(A.) No, not to my knowledge.

“(Q.) Did you hear anything about its ramifications?—(A.) No.

“(Q.) Did you hear it existed in Roscommon?—(A.) I may have.

“(Q.) Did you hear it?—I cannot say.

“(Q.) Do you think you did?—I cannot say.

“(Q.) Do you think it existed in Roscommon?—I daresay it did.

“(Q.) Who knocked down Donohoe?—(A.) I think the crowd did it.

“(Q.) Did you think it was the herds did it?—(A.) There were no herds on the platform.

“(Q.) I thought you told me there were some herds at the meeting?—(A.)

Yes, but not on the platform.

“(Q.) Did you ever hear the Herds League was a secret one?—(A.) No.

“(Q.) The Herds League?—(A.) No.

“(Q.) You never did?—(A.) No.

“(Q.) Did you hear it was a combination?—(A.) As far as I heard about it or read, I think it was something in the nature of the National League.

“(Q.) Did you ever read in any paper that it was associated with the National League?—(A.) No, I cannot say I did.”

(The President.) This is the witness you are referring to who laid the foundation for this question.

89,850. (Sir H. James.) Now, Mr. Louden, this investigation in 1881 caused you to come to the conclusion that the Herds League had committed this murder?—Which murder, Lyden’s murder?

89,851. Yes; the Lyden you spoke of. Was that the result of the investigation?—Yes, I heard that an organiser came down to that district, and that he had enrolled some young men of the district in this Herds League, and I heard that Lyden’s murder was perpetrated by members of that Herds League.

89,852. You have withdrawn now what I was principally about to ask you about, the pay of the police. That of course you have given up. Do you suggest that murder was in any way organised by the police?—Lyden’s murder?

89,853. Yes?—I do not.

89,854. That is in 1881?—I swear, however, that I believe it was the result of the organisation started by the organiser of the Herds League.

89,855. So I understand you?—Yes.

89,856. But not instigated by the police?—Oh, I do not know that the police paid a penny for that murder.

89,857. It is not a question of payment but connexion with?—No, I do not know they did.

89,858. Therefore this was independent action of the Herds League as far as the police were concerned?—Yes.

89,859. I understood you to say, too, that the Herds League existed for one purpose, to shoot down Land Leaguers?—Commit outrages on Land Leaguers.

89,860. I am using, I think, your very word, “to shoot Land Leaguers.” That was the object of the Herds’ League was it, or one of the objects?



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued]

(Mr. Davitt.) He said Land Leaguers had been shot by them.

(Sir H. James.) No, I took down his words.

(The President.) You will find that is so. "They shot Land Leaguers."

(Sir H. James.) I have my note. "To shoot Land Leaguers."

(The President.) Possibly that may have been said too, and they did.

(Sir H. James.) Yes.

89,861. Was that, according to your view, one of the objects of the existence of the Herds League?—I was informed that it was a murder organisation. I think that is what I swore.

89,862. I am on shooting Land Leaguers. "To shoot Land Leaguers"?—I do not swear the Herds League was got up specially to shoot Land Leaguers.

89,863. Did they shoot Land Leaguers?—There was an attempt to murder a Land Leaguer in the county of Mayo, Mr. McGloy. He was driving on an outside car and a man came before him on the road and presented a gun, and he either missed him or the gun missed fire (I forget which) and McGloy, who was on the car, got off the car and shot him dead. I do not think that case was brought before this court at all. This McGloy's father entertained me at a Land League meeting at Foxford in the county of Mayo, where he lives, and he himself is a strong Nationalist, and I may say that the man he shot was a pensioner.

89,864. You may be under an apprehension that that is an answer to my question. My question to you is, do you represent that the Herds League existed for the purpose of shooting, or did shoot Land Leaguers? Keep to the Herds League, please?—I will not say shoot, but they unquestionably committed grave outrage upon them.

89,865. Did you know that in 1881?—Yes.

89,866. You did?—Yes.

89,867. Then you treated the Herds League as a body existing for the purpose of committing murder and as hostile to the Land League?—Oh, decidedly.

89,868. With that knowledge in your possession, what steps did you take to bring these men to justice?—To bring which men to justice?

89,869. The Herds League?—I did not know the individual members of it.

89,870. No, no, but did you give any information that the murders and outrages were being committed by a secret body—by the Herds' League?—On my solemn oath I believe Sergeant Whelehan knew of the existence of the Herds League being in Connemara as well as the men themselves, and that there was not the slightest occasion to give information to the police; that the *agent provocateur* was amongst them.

89,871. I will deal with your answer and explanation afterwards. Will you be good enough to answer the question?—I took no steps whatever to give information to the Government or to the police, none whatever; but at the same time, so far as this organisation was concerned, I warned the young men on my own land not to take part, directly or indirectly, in any meetings over in Connemara.

89,872. We must keep to one point at a time, if you please?—Yes.

89,873. I must have first an answer to the question you have not yet answered. Did you give any information whatever to any authority as to the existence of this Herds' League?—I answered that distinctly, and said I did not.

89,874. You knew they were acting, according to you hostilely, to the Land League?—And to Land Leaguers, and unquestionably to the Land League, for every man who committed an agrarian crime was hostile to the Land League.

89,875. That being so did you not wish to bring these men to justice?—I would wish to see them suppressed and brought to justice, any of them that committed a crime, or all who were members of that organisation, most decidedly.

89,876. Let us go by steps, please. Do you suggest that, knowing this fact, that the murders in the district had been committed, and outrages committed, by the Herds League, that you did not think you would assist in bringing them to justice if you gave information in respect to them?—No, unfortunately in Ireland there is no *entente* between the police and the people. There is no sympathy between the police and the people, and in a case like that I consider it is the bounden duty of the Executive to detect crime, and the bounden duty of the Executive to hunt up anything in the shape of the Herds League or any other murder organisation, and I do not believe that by any means it was part of my business.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,877. (*The President.*) How can the Executive detect crime if nobody will give them information?—Unfortunately that is the case, and that is why very rarely crime is detected in Ireland. It is because of the system of Government which exists in Ireland, and which has existed from time immemorial.

89,878. (*Sir H. James.*) I do not enter into any political discussion, but I want this. If that want of *entente* exists between the people and the police of it course is very difficult for the police to obtain information from the people as to crime?—Unless through spies.

89,879. From the people, I said?—From the people, very difficult, because the people look upon the police as their enemies, representing an alien power.

89,880. That may be the cause. Take that as the cause. The fact exists. You were very anxious, I assume, to prevent outrages being committed?—Oh, I will shorten the matter for you. If I gave information to the police I would not be a Land Leaguer 24 hours, or I would not be able to hold up my head, because they would say I was a spy. You must remember that these things are looked upon quite differently, Sir Henry James, in Ireland and in England.

89,881. I will not say one word in reply. I have your answer?—Yes.

89,882. Again, I have got it down and I suppose you spoke deliberately what you last said. Inasmuch as you were desirous to stop outrage if you could, do you represent to the Commission that you intentionally abstained from giving information to the police for the reasons you have now stated?—No. I have not said that I intentionally kept back any information. I have not said that.

89,883. But you did not give it?—But I say now as I have said before that I consider it was none of my duty whatever to interfere with the police authorities in the detection of crime.

89,884. And by interfering you mean, I presume——?—Giving information.

89,885. Then, Mr. Louden, speaking to you now as a member of the executive council of the Land League, am I to understand that if you had in your possession information that would lead to the detection of crime you would abstain from giving that information to the police?—If you put it in this way, that a certain person——

89,886. I await your answer, I assure you?—Will you kindly put it again?

89,887. I will. I will put it as clearly as I can. Speaking to you, Mr. Louden, as a member of the executive council of the Land League, do I understand you that if you had information in your possession which would lead to the detection of crime, you would abstain from giving that information to the police?—If, as an individual, I knew—I had legal proof—of the existence of crime I should furnish that legal proof to the press; but I should not go to the police with it.

89,888. I am not speaking of legal proof. I am speaking of information that may put persons who have to detect crime on the track so as to detect. That is what I mean by information. Speaking to you both as an individual and as a member of the executive council of the Land League, if you had such information would you abstain from communicating that to those whose duty it is to detect crime?—To put down crime, I most decidedly would publicly expose and denounce it.

28,889. I am speaking to you now in your professional position also. You must know that is no answer to my question. I want an answer to my question, please. If you, either as an individual or as a member of the executive council of the Land League, had in your possession information which would probably lead to the detection of crime, would you or would you not give such information to those whose duty it is to detect crime?—I should publicly announce it and I should not give information to the police.

28,890. Yes or no?—I should not give information to the police, and I will tell you why.

89,891. Certainly?—I will tell you why. I believe that in a case like that the honourable course would be to announce to the world the course you took; but to go privately to a policeman and give information in Ireland would be to take rank with all the scoundrels and ruffians that our country produces, that is to say, the spies of the country.

89,892. We are going by steps, if you please. You say, as I understand you, that would make that information which you possessed public?—If I knew—again I said, if I had proof to convict any person of crime, of what I considered to be serious crime or grave crime that I as a citizen should interfere, and I would denounce it publicly



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

unquestionably, and I have denounced over and over again, the *agent provocateur* in Ireland. I denounced Whelehan and I denounced Tracey.

(*The President.*) That is not an answer at all.

89,893. (*Sir H. James.*) You will have to answer my question, if you please. I understand you to say you would not give any information that would lead to the detection of crime to the officers of justice who have to detect crime?—An officer of justice is all euphemistic term for an Irish policeman; but I certainly would not give it to an Irish policeman, not to the police that we have in Ireland, who employ spies to fabricate cases and get up cases against innocent men, and who stab women in the back when they are down.

89,894. If everybody followed that rule, how would crime be detected?—Through the ordinary agency of the police.

89,895. That is, without information?—With spies.

89,896. That is what you say. You would leave them to that?—That is one; and the next is to establish such a system of government in Ireland as would put the people in sympathy with the Executive.

89,897. Take things as they are. We must bear the evils we have. If you all followed your rule, from what sources would information come so as to cause crime to be detected?—Most unquestionably through spies.

89,898. Those are the parties to whom you leave the police?—For the simple reason that the people at present will not give information.

89,899. But I am speaking of your action. If people like you do not give information to the police so that they may detect crime, how do you think they are to get information?—I answer, through spies.

89,900. Only?—Only; and by a comparison of facts, internal evidence, and all that sort of thing.

89,901. Obtained from what source?—Overt acts, for example; *pièces de conviction*. If a crime is committed there are a hundred things which will lead you, besides direct testimony, to elucidating the truth.

89,902. Overt acts testified to by whom? You say you would prove it by overt acts. I ask you overt acts testified to by whom?—Police agents, whoever they are.

89,903. Only?—Yes. I wish to mention that in any country that is properly governed, or where the people enjoy just laws properly administered, the doctrine I enunciate would be an immoral one; but at the same time I say this, that unfortunately I have to take up that position as a result of the deplorable condition of things which exists and has existed in Ireland.

89,904. And as far as you know, that position is taken up by all your colleagues of the Land League?—Oh, no; I do not say that all.

89,905. I asked you, as far as you know?—Oh, no; I do not say that at all. I do not know what line of action they would adopt under the circumstances.

89,906. Did you not say just now that you would have to cease to be a Land Leaguer if you acted otherwise?—Oh, no. I said I would not be left. What I meant was this, that the whole people of the country would rise up in rebellion against me and denounce me; that is what I meant.

89,907. Including the Land League?—Certainly, including the people of the country generally.

89,908. That is what you meant?—Yes, certainly. I wish to explain I did not for one instant mean to say my colleagues would take any action against me for it. I do not say that.

89,909. "I did not say they would take action"! As far as you know (it is only just to them you should say "No," if you do not), do you know whether your colleagues share your opinions or not?—I have never discussed that question with them.

89,910. You are ignorant?—Yes.

89,911. (*The President.*) I must observe I have asked myself whether there was any instance of any step being taken to bring offenders to justice. Can you give us any instance?—"To bring an offender"; well, in cases of cattle maiming and cattle houghing and that sort of thing, I myself have taken part in giving compensation to the people injured.

89,912. That is not the question?—And we have unquestionably done all we could to bring the criminals to justice, and very often succeeded.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,913. (*Sir H. James.*) I am sorry I did not catch your last answer. What did you say just now in answer to a question?—In answer to his Lordship?

89,914. Just repeat what you said?—That I over and over again as a member of the presentment sessions investigated causes of crime. The police were present, and we threshed out the thing through witnesses in such a way as to give the police all the information in our power, and succeeded very often in bringing criminals to justice.

89,915. I do not know whether that is agrarian crime or not. I am upon agrarian crime, if you please. You have said that if you were to have given any information that would lead the police to bring persons to justice, the whole country would rise up against you?—If you are branded as an informer; I do not mean to say the people would condemn the act of bringing a criminal to justice but would condemn you for having contact with the police—having any contact with the police at all.

89,916. With the police who have to bring criminals to justice?—I am quite perfectly aware that is the result.

89,917. As far as you know would the people equally rise against all your colleagues in the management of the Land League, if they were to act in that way of which you have just spoken?—I believe that any person in Ireland in the position of a Land Leaguer or otherwise who puts himself in communication with the police secretly, excites thereby the general suspicion of the people, and afterwards they would not trust him.

89,918. Do not let us dwell on the word “secretly.” Suppose they put themselves in communication with the police openly?—I told you I openly denounced it, and that is what I would do. I should do that unquestionably, and I have done it.

89,919. I do not know what crime that was. If that is your answer, why did you not openly inform the police of the existence of this Herds League?—I have condemned the Herds League.

89,920. Openly informed the police that you had arrived at a conclusion?—I have spoken of the Herds League as a member of the board of guardians, and talking to guardians, talking to the men of my country, I have spoken as openly of the Herds League then as I speak now. I have always charged the Herds League with being the author of these murders in Connemara in what is called the Maamtrasna district. That is the Joyce country. I have spoken openly and condemned the murders and the murderers as openly as I speak now.

89,921. You had come to the conclusion that the Herds League was the body who had murdered Lyden. That was the result of your investigations?—Certainly.

89,922. In order to come to that conclusion certain facts must have been brought to your knowledge?—Decidedly.

89,923. Why, taking your answer as to the difference between secretly and openly, did you not inform the police of those facts which had caused you to come to that conclusion?—I again tell you I would not put myself in contact with the police secretly.

89,924. Or openly?—It is simply repetition.

89,925. Or openly?—Openly I condemned.

89,926. No, openly gave information of these facts to the police?—I stated over and over again openly that the Herds League was at the bottom of it.

89,927. That is not the question. I assume you do not understand me. You have told me that you in your investigation learnt certain facts, which caused you to come to the conclusion that the Herds League had committed that murder?—Certainly.

89,928. Why did you not openly communicate those facts to the police?—I communicated the facts to my friends, to people I met, men in public positions and private positions, and the police must have known and must have heard as much as I did.

89,929. That is your answer?—Certainly.

89,930. Does it occur to you that if you give information in public so that everyone may know it, that that is likely to lead to the detection and arrest of a criminal?—To give it publicity?

89,931. Yes?—Most decidedly; but Sir Henry James——

89,932. Most decidedly what? You said most decidedly?—It would lead to the detection of crime, giving public information, stating a thing publicly and openly.

89,933. So that the criminal men know what track the police are upon?—Do you mean the private individual who commits a crime?



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,934. I am speaking of the detection of crime by arresting an individual?—Do I understand you speak of the individual who commits a crime or the organisation?

89,935. Either?—I swear in this particular instance that I denounced that organisation publicly and openly and for several years; and I say now that I believe that all the criminals would be brought to justice there, only that they were covered by Sergeant Whelehan.

89,936. You have repeated that name over and over again. I am upon one particular point?—He was the man in charge; he was the detective for that district.

89,937. (*The President.*) I understand that he is dead?—He was killed in one of his got-up jobs in Clare.

89,938. Yes, yes; he is not here to defend himself?—Unfortunately, my Lord, I am not in a position to bring him.

89,939. No; but I should have thought it would have been better to abstain from making statements about a dead man you are not in a position to prove?—Well, there are traces, and they are in people's hands.

89,940. (*Sir H. James.*) I am not speaking of one particular case. We have several murders committed, as you say, by the organisation of the Herds League?—Yes.

89,941. You said to me that you would give no information secretly, but you would do it openly. What I am putting to you, Mr. Louden, as a gentleman in your position must know, is, do you think if you have facts in your knowledge which will lead to the detection of the criminal you can assist in his detection and arrest by stating those facts openly?—You are talking now of the Lyden murder.

89,942. I am talking of all the murders?—One minute. With regard to the Lyden murder, at this time there were two men arrested. They were in the hands of justice. It would not be fair when the case is *sub judice* to discuss the merits of the case. One brother was hanged and the other was reprieved by Lord Spencer.

89,943. (*The President.*) Were they members of the Herds League?—I believe that they were.

89,944. (*Sir H. James.*) They were?—I believe that they were.

89,945. They were?—I do not know whether they were or not. It is a question of belief. I do not know. I cannot possibly say of my own knowledge whether they were or not; but I know one man was hanged and the other man was found guilty and sentenced to death and reprieved.

89,946. When you say your view is you will not communicate to the police, but will state, as I understood you, facts and information that you have obtained openly, do you represent that the stating of facts and information openly is likely to lead to the detection of a criminal?—I do.

89,947. Now just a word, if you please, about this Lyden's murder. Lyden's murder we have got in 1881?—Yes.

89,948. You knew at that time, shortly afterwards, from the information you had received, that either the Herds League had committed it or it was probable the Herds League had committed it?—That it was probable that the Herds League had committed it; that the Herds League was in that district and that it was probably committed by the Herds League.

89,949. And not one step did you take to assist in breaking up this Herds League which was hostile to the Land League?—Oh, it was broken up, and I myself cautioned young men who were sons of herds of mine; I cautioned them from going to Connemara and taking any part, directly or indirectly, in meetings over there. The wind of the thing got out and the organisation was broken up at once.

89,950. These men were murderers, in your belief?—Which men?

89,951. The Herds League?—Decidedly.

89,952. And that League was composed of individuals?—Decidedly.

89,953. What step did you take to break up an organisation which existed for the sake of murder?—I have told you that I have cautioned men not to have anything to do, directly or indirectly, with meetings over in that place; that the people at the head of that organisation were not to be trusted, and were dangerous men, &c., &c., and these young men ceased to attend. The wind of the thing got out, or at least the report got out that the Herds League was detected, and it was all broken up.

89,954. What is the place you have just spoken of? What place do you mean?—Letterfrack.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

89,955. Was it there that the Herds League had its habitation, do you think—Letterfrack?—Its habitation.

89,956. Yes?—That is a Primrose League term. It was the Herds existence.

89,957. I speak of a local habitation, and a name?—It existed there.

89,958. Do not think I associate myself with the Primrose Leaguers. It existed there?—Yes.

89,859. Then you knew the locality where you believe this organisation for murder existed?—Decidedly, and I believe further that it spread through all Joyce's country, and away down to Maamtrasna.

89,960. And, Mr. Louden, you stood by. You have told us all you did to break up the organisation?—That I did.

89,961. Yes. You have told us all you did?—To break up the organisation. I most decidedly inquired into the cause of the murders, or at least who was at the bottom of the murders, and I found out and spoke freely and openly about it. I spoke to several persons in the district who were influential men, and the result was the whole thing was broken up, and it is very remarkable that, while a few murders were committed there and several outrages, it was within a very short period of time, and there were no outrages committed there since.

89,962. The organisation, you say, went on spreading through Joyce's country? Now, tell me when was the organisation broken up?—There were no outrages after—

89,963. When was the murder organisation broken up?—Oh, the organisation broke up about the same time as the outrages ceased.

89,964. What time?—Or rather the outrages ceased when the organisation was broken up.

89,965. What time?—I should say about 1882 or 1883.

89,966. Had you information that any other murders besides the Lyden murder were committed by the Herds League?—Yes.

89,967. What?—I heard the Huddy's murder.

89,968. The date of that, please?—I have not the date of it. I do not know. I do not know the date.

89,969. Is it August 1882?—And I heard that the arms supplied to the murderers

89,970. Stop, stop. January 1882?—Yes.

89,971. You heard what about the arms?—I heard that the Maamtrasna murder was committed with arms supplied by the organiser of the Herds League. I heard they were supplied.

89,972. That was in August 1882?—Yes, I do not know the dates.

89,973. So the murder organisation that you learned of in June 1881 went on spreading through Joyce's country, and existed at least down to August 1882, and went on committing murders; and you now again, I repeat, Mr. Louden, have told us all you thought it your duty to do to break up that murder organisation?—Well, of course, Sir Henry, you may speak in that manner; but I did all that I thought I ought to. I spoke freely and openly and perhaps risked my life in doing it at the time. I condemned the Herds League, I said they were Anti-Land Leaguers. I told the members of our organisation, there was an organisation amongst them having for its object murder, and I told them who was at the bottom of it.

89,974. You have vouched over and over again Whelehan's knowledge. He was not shot till 11th September 1887?—He was shot down in Clare somewhere.

89,975. Whether it was Clare or anywhere else, 11th September 1887 was the date?—Yes.

89,976. You know that date?—Yes.

89,977. Did you believe from 1881 to 1887 that that man had been promoting murder?—Certainly not.

89,978. When did you first believe it?—Whelehan left about 1882 or so. That is my belief. I think about then.

89,979. When?—I am not quite sure, but I think about then.

89,980. Will you answer my question, please?—Yes.

89,981. When was it that you believed that Wheleham had been instigating murder, or was in any way connected with it?—When.

89,982. Yes, that is the whole question I asked some time ago?—About the time of the Crossmolina murder and about the time of the Huddy murder and Lyden murder,



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

and so on. About that time. I have not those dates, but one or two years will cover them all.

89,983. I may take it that is 1881 and 1882?—Yes.

89,984. He remained in the service till he was shot in September 1887?—Certainly.

89,985. As far as you knew this man might have gone on instigating murder?—That would depend.

89,986. He might have?—Possibly.

89,987. He had done it according to your view?—I certainly believe conscientiously that that informer——

89,988. Tell me, yes or no?—Yes, yes, and I conscientiously and firmly believe that he lost his life in an organised affair—acting as an *agent provocateur*. We have no term in English for it.

89,989. And of course you did deplore those murders being committed?—Decidedly, I deplore all murder.

89,990. What step did you take to inform anyone that Inspector Whelehan was an instigator of murder?—I have mentioned it hundreds of times.

89,991. What steps, I mean, so as to bring this man to justice, to deprive him of the opportunity of instigating murder?—To bring him to justice?

89,992. Yes, to bring him to justice, if you believed him to be an instigator of murder?—I believed that it would simply be impossible to bring him to justice. French was at the same work, and the *agent provocateur* came in about 1881, and I knew perfectly well French knew of it, who was the chief of the detectives in Ireland.

89,993. Do I gather from that answer that you took no steps to bring this man to justice?—Never.

89,994. Did you ever tell the man to his face that he had been——?—I do not remember having ever seen him in my life, and I never spoke to him.

89,995. And you never communicated with him?—Oh, never, nor with French, nor with one of those men.

89,996. I have not asked you anything about French. I am asking you simply the question, while that man was alive did you ever give him an opportunity to deny this charge you make now when he is dead?—I swear solemnly that I spoke so openly of it that he must have heard it. I spoke freely and openly of the whole thing from the start. I was well known in Ireland as a man who denounced the *agent provocateur* introduced by French into the police system, and I denounced that, and I denounced the system, and Whelehan must have heard of it.

89,997. When addressing publicly the Irish peasantry, or anybody else, did you use the language to them you are using to us to-day?—I did not use the term *agent provocateur* for this reason, there is no term in the English language as an equivalent, and I must say this, that I did not know or hear of such an institution up to 1881. It was taken from abroad.

89,998. Will you tell me, if you please, any public occasion that the matter was referred to when you even accused Whelehan of being an instigator of crime?—No, I never from a public platform denounced an individual, for if I did, and anything happened to him, I would be at once charged with inciting to his murder.

89,999. Of course you are making a grave charge against a man; you do it now he is dead?—Sir Henry James, if I denounced a policeman in Ireland as an organiser of crime, if I denounced a policeman in any way and an outrage was committed on that man, if he was murdered, I unquestionably would be charged with inciting to his murder.

90,000. Accepting that statement from you, I am still on the fact. Have you ever, on any occasion on which you can suggest Whelehan would have learnt this charge against him, accused him of having investigated the crime?—I have, most decidedly.

90,001. State the time and the place?—The time of the Crossmolina case.

90,002. Where?—Do you mean from a public platform?

90,003. I have asked you to give time and place where you stated it so that Whelehan could ever have heard of it. Give me time and place?—Whelehan lived for a long time in Balla. It was his headquarters; and at the time of the Crossmolina case when I believe that Inspector Ball and Coleman got up this charge against Pat Nally, I spoke freely to the Nallys about it, to Miss Nally. I spoke to Pat Nally



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

himself in Cork ; I spoke in fact so freely, taking into consideration the way that news spreads in Ireland, it must have reached the ears of Whelehan and all his friends.

90,004. I have the name of Pat Nally and Miss Nally. Of course I will take either of them?—I think I have written a letter in the paper exposing the Crossmolina conspiracy and that I did allude to Whelehan as being connected with it.

90,005. Give me, then, the date of that paper?—I just remember it now. It was of later date, and I think I shall be able to find it. It was in one of the local papers. I cannot fix it at present.

90,006. What do you mean by a later date ; is it since September 1887?—It was since the Cork affair.

90,007. Since Whelehan died is my point?—No ; it would be between the Crossmolina conspiracy business and Whelehan's death.

90,008. Then you will produce that?—I think that I have it. I am not quite sure ; but I am almost certain that I have denounced the Crossmolina conspiracy case, and that Whelehan was introduced to it.

90,009. Your memory may be defective, but if you have that letter you will produce it?—Decidedly.

90,010. If you have not, you have told us the only way, as I understand, in which you have ever mentioned this charge against Whelehan?—I have spoken freely of it throughout the West of Ireland.

90,011. As I understand you, to persons personally and privately, and never in public. We have Pat Nally and Miss Nally?—Never in the sense of stating from a platform, because you would call it denunciation.

90,012. What qualified sense of a public character did you ever mention it in?—I believe I have spoken to police officers about it.

90,013. Give me the name of one?—I believe I have spoken to Mr. Paterson of Newport. He is a district inspector. I am not perfectly sure, but I think I have mentioned to him that Whelehan was an organiser.

90,014. Then, Mr. Louden, doing that to an authority, the evil consequences you have just told us of, if you denounced Whelehan, never occurred?—Oh, no ; that would be essentially a private conversation.

90,015. What was the date you mentioned it to Paterson?—I think it was in the course of conversation somewhere I met him, when I mentioned Whelehan being an organiser of outrage.

90,016. When was it?—In the last three or four years.

90,017. Would it be within the last two or three?—It would be within the last two or three.

90,018. Then it would be since September 11th, 1887?—It would.

90,019. That is to say, since Whelehan died, you know. My Lord, I will refer, if you please, to this murder of Whelehan. It is given in the Appendix, page 19. It comes in county Clare :—

Gerald Whelehan, Head Constable R.I.C. 42 years, killed. Constables Connell, Donohoe, and Macdermott wounded. Head-constable Whelehan with eight police from Kilfenord and five from Lis-doonvarna, were in ambush at the house of Thomas Sexton whose life was believed to be in imminent danger. While there, from six to nine men came up to Sexton's house, knocked at the door, and stated they were "police." Sexton opened the door, when the police, who were inside and outside the house, surrounded them, and closed the door upon five of them. A desperate struggle ensued, in which the 12 police overpowered the Moonlighters, who had between them two rifles and a revolver, all loaded, and which then endeavoured to use. While this was going on inside, Head-constable Whelehan and Constable Connell, who remained outside, closed with two more of the Moonlighters. Constable Connell was at once stunned by a blow on head ; the two Moonlighters are then supposed to have attacked the head-constable, who was found a few minute afterwards dead, his skull being broken in, and portions of the brains on the ground. The constables received severe injuries. Motive :—Sexton some months before had become tenant of some property from part of which a man named Slaterry had been evicted. Sexton was boycotted by the National League in consequence.

—It was proved in court that the man who brought the young men there, the organiser of the outrage, was in the pay of the police and in the pay of Whelehan.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

90,020. You say brought them there. That man turned informer, I think?—I think so.

90,021. He turned informer?—And acknowledged he was receiving money. He acknowledged, on cross-examination, that he was receiving money from the police.

90,022. Cullinane?—Yes.

90,023. He received pay, you say, for his information?—He was examined in Court as a witness, and he acknowledged that he was in the pay of the police, and I think he was in the Informer's Home.

90,024. He got money for information. Where were they tried, Mr. Louden?—I really forget. It is only in a very general way I remember.

90,025. I think it was at Wicklow in December 1887?—I do not recollect where the trial took place, but I remember distinctly this man was in the pay of the police, and that he had been for a long time before in the pay of the police.

90,026. Did I understand you to say, Mr. Louden, that a policeman named Ball got up the Crossmolina case?—I said that was my impression at the time.

90,027. Is it now?—I will not go so far as to say it is; but I say this, that the evidence points that way entirely. There is a letter in the hands of the Court at the present from Coleman to Ball, where Coleman speaks of getting this box made, and that it would be ready at a given time, and that it would be sent on to the policemen.

90,028. Do you charge that man now with having caused this murder?—I am sure he must have had knowledge of what was going on when he received that letter from Coleman, and at the time I was informed that it was got up between Ball and—

90,029. It is upon the letter from Coleman to Ball that you charge Ball with having instigated this murder?—Certainly in the district.

90,030. Do you charge him?

90,031. (*Mr. Davitt.*) He did not charge Ball with instigating to murder?—It was stated in the district.

90,032. (*Sir H. James.*) Do you charge either Coleman or Ball with having instigated this murder?—There was no murder.

90,033. Well, the attempt, the shooting?—I swear solemnly I believe that Ball and Coleman conspired to convict Pat Nally. That is my belief.

90,034. That is not my point. Do you say that either Coleman or Ball conspired to cause that shooting or outrage to be committed?—Which outrage? There was no outrage.

90,035. The conspiracy to murder?—There was no outrage.

90,036. A conspiracy to murder, it was?—Yes.

90,037. Which I call an outrage. It comes under the head of outrage?—Yes.

90,038. Do you or do you not charge those men now, Coleman and Ball, with having instigated that crime?—No, I do not.

90,039. Do you?—No.

90,040. You do not?—No, but I decidedly charged that Coleman and Ball conspired to convict Pat Nally of a crime of which he was not guilty.

90,041. That is Patrick Nally?—The fact is that letter proved I had the information before and the people of the district all believe that it was a got-up affair between Coleman and Ball. That letter shows clearly, because the box was the principal thing upon which these men were convicted, and the letter proves Coleman was manufacturing the box to send to the policeman, and he wrote a letter to Ball at the time calling his attention to the fact that the box would be ready in a week.

90,042. We have heard of many applications in respect to Miles Joyce and others. Have you ever memorialised the Home Office upon this subject at all?—Never. Oh, no, never one way or another.

90,043. You believe that man to be innocent?—Which man?

90,044. The man who was convicted?—Pat Nally?

90,045. Yes?—Oh, I firmly believe that he is perfectly innocent.

90,046. Have you ever taken any steps to bring these facts to the knowledge of the authorities?—I am wrong. There were, I think, about from 40 to 60 witnesses brought to Cork at the expense of the Crown. Dr. Webb, who is now a county court judge, had the defence of Pat Nally. For one reason or another which I do not know the witnesses were not examined. I think only one or two witnesses were examined.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

I prepared a memorial for the Nallys which they sent to Lord Carnarvon asking, not for a pardon, but for an inquiry into the facts of the case; and furthermore, I myself, in Westport presided at a meeting, having for its object to address Lord Carnarvon who was visiting Westport, which I did, and Lord Carnarvon promised to investigate the case, and he never investigated it from that day to this. But I brought the case under the notice of Lord Carnarvon myself, Sir Henry James, and I have in my possession now, I think, a copy of the memorial that I prepared for the Nallys.

90,047. Have you stated the facts in that memorial that you have stated here to-day?—I stated that Nally was innocent.

90,048. Have you stated the facts upon which you rely to accuse Coleman and Ball of having given false testimony, in that memorial?—I most decidedly mentioned the fact that Coleman was an agent who gave perjured testimony; I did. I do not remember whether I mentioned Ball or not. I suppose it was very unlikely I would, if I was asking an inquiry from the Lord Lieutenant.

(*Sir H. James.*) The letter which I think the witness is referring to is at page 3453.

90,049. Did I understand you to say that that letter which was produced here was kept back at the trial and not produced by the Crown?—That is my impression. I think that letter was not produced. I am not certain. I was not in Cork, but I understood so.

90,050. I may have been wrong, but I thought you said more than once that that letter had been kept back. If you wish to correct that, do so?—I said, Sir Henry James, that I had to go back to Mayo, that I was not in Court, and I that I was informed that the letter was not produced. I was not at the proceedings, and I do not know.

90,051. (*Mr. Justice A. L. Smith.*) I thought you said if it had been produced there would have been a different result?—That is my opinion, most decidedly.

90,052. (*Sir H. James.*) This is the letter produced at page 3154. The letter is endorsed: "Marked for identification, W. O'K. Queen v. McAulay and others. Produced by Crown, 17th December 1883"?—There were two trials.

90,053. This was the trial, as I understand it, at the winter assizes, on the 17th December. If there were two trials and it was produced on the first, I presume your answer will not apply?—I do not know whether it was at the winter assizes.

90,054. We have got it, at the winter assizes for Wicklow?—I thought it was at the spring assizes at Cork.

(*The President.*) The second trial appears to have been in December.

90,055. (*Sir H. James.*) I think I have two cases in my mind. I thought it was the first case. This is the Crossmolina case. This is endorsed: "Produced by Crown 17 December 1883." W. O'K., I presume, would be Mr. William O'Keefe, Clerk of the Crown?—Which letter was produced?

90,056. This very letter we are speaking of. We have got the initials upon it, "Marked for identification, W. O'K. Queen versus McAulay and others. Produced by Crown 17th December 1883. W. O'K." I suppose Mr. William O'Keefe is known to you as Clerk of the Crown?—I do not know. I am under the impression that letter produced here in Court was never produced to the jury.

90,057. (*The President.*) But if this is the letter your impression is a mistaken one. because it is marked as having been produced?—There are two trials. I think at the spring assizes they were found guilty.

90,058. (*Mr. Justice A. L. Smith.*) Nally was not convicted twice over?—No, my Lord, but I do not think that letter was produced. I think it was at the spring assizes the trial took place. I do not think the letter was produced. I do not think he was convicted at the winter assizes. The winter assizes was the first trial. Was not the winter assizes the first trial?

90,059. (*Sir H. James.*) I think we can make it clear. The letter itself is written on the 15th October 1882. When we come to the date "Produced 17 December 1883," of course I do not know whether that would be the first or the second trial?—The second trial at the spring assizes.

90,060. Then this will be the winter assizes?—This will be the winter assizes.

90,061. Was McAulay defended by counsel?—He was, by Dr. Webb.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

90,062. If that had been put in at the winter assises, the first trial, of course, at the second trial his legal advisers would have knowledge of it?—I do not know whether it was.

90,063. At any rate his counsel could call for it if it was put in on the first trial?—That would be so.

(*Sir H. James.*) I am very sorry to go back, but there is one matter I am reminded of, as to which I require information.

90,064. Pass your eye over those items in that list marked with pencil. There are some payments which seem to have been made to you. Will you tell me what those payments were for?—That comes from the Hibernian Bank or from the books of the Land League. They are payments made to you. Just see. I think those are payments made to you, are they not? They are marked with pencil in the middle of of the page (*passing statement to witness*)?—You mean the payments that were made to myself?

90,065. I presume those were made to you?—(*Reading.*) 200*l.*, 25*l.* 12*s.*, 41*l.* 8*s.*, and 20*l.*?

90,066. Yes, what are they?—The 200*l.* was in connexion with expenses incurred at the Sligo prosecution for conspiracy, and later on at the winter assises in Carrick-on-Shannon, before Judge Harrison, and at the Queen's Bench on some motions. There were a large number of expenses. A sum of about 500*l.* was subscribed as a special fund for the defence of these prisoners, and I believe what took place was this: The money was lodged to the Land League account, and a cheque was drawn upon the Land League account for the money.

90,067. Really nothing was farther from my thoughts than to go into professional matters. Are those in recognition of your services as counsel. In what way do you represent they come to you?—They would be for expenses incurred. I was local director of the Land League, and there were a lot of expenses, and these were taken out of a fund subscribed for the purpose. For myself personally I never got any remuneration from the Land League, directly or indirectly. I have no salary, and I gave my services free to the Land League.

90,068. As a member of the Executive Council were you controlling the defence of these prisoners, and directing how the money should be paid?—I was in a sense. I had something to that, and I was also counsel in the case, but these were not counsel's fees.

90,069. Were they moneys for you to disburse in defending prisoners, or to control the disbursement of?—It was money I paid out of pocket myself. It was to recoup me certain moneys I expended.

90,070. In defence of prisoners?—Most decidedly, in connexion with that case—the Sligo conspiracy case. It was a very big case. I think I was a fortnight or three weeks in Sligo, and afterwards a week in Carrick-on-Shannon, and then we had something to do in the Queen's Bench over it. That is what the 200*l.* was given me for, I think, as far as I remember.

90,071. What was the case you were speaking of, more in detail?—I am not quite sure. It is a long time ago, but I am almost certain it was a prosecution.

90,072. Look at the date. Perhaps that will assist you?—The money was paid a long time after the application. The 500*l.* or 480*l.* (or something like that) which was subscribed for this very case was lodged to the Land League funds, and I had received no money directly or indirectly from the Land League, and I got this 200*l.* to recoup me for certain expenses.

90,073. What, according to your memory (I quite agree it is eight years ago), was the nature of this case which you have said you think was at Sligo? What was the charge?—It was a prosecution for sedition instituted by the Tory Government when the Duke of Marlborough was in office and Mr. Davitt was prosecuted, and Mr. Daly and Mr. Killen at Sligo; it was a long time before this, I know.

90,074. That was in 1879, and never went to trial. There was no trial, as I understood?—There was.

90,075. Not a trial before a jury?—First, the record was sent up and then it came on before Judge Harrison, and then it fell through. I really forget the facts, but I think the indictment was wrong.

90,076. There was no trial before the jury?—I undertake to swear solemnly that money was given for something of that sort—legal expenses.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

90,077. What I should like is this. If you will do this it will save you trouble and me too. Will you put down on paper upon reflection and let me have on Tuesday morning what you say those cases were in connexion with which those payments were made?—It was entirely in connexion with what I say. I could not give you details; it is simply impossible.

90,078. Can you by refreshing your memory find out what the cases were in respect of which you received the money?—I tell you the 200*l.* was in connexion with this prosecution at Sligo, part and parcel of a sum of 450*l.* lodged to the Land League fund by whoever was the treasurer of that fund.

90,079. That trial was in 1879?—Yes.

90,080. This was March, April and May 1881; what were the other three items paid to you for?—Very likely for going to Paris or something like that; some particular expenses I was at I cannot say. I went once with the executive to Paris and that was represented by a sum of 40*l.* or something like that. I am not particularly sure. I never took particular account of it. I think that this sum represents all I received, and I think I was a couple of thousand pounds out of pocket over the whole business.

(*Sir H. James.*) I think Mr. Davitt put a question rather more comprehensively than he meant in speaking about Le Caron's evidence, as to whether Le Caron ever said that this witness was on the Executive Council with Egan. I have the reference in looking at the evidence at page 2614 which is the only reference I can find with my friend's assistance too. This is the question:—

“ You say he mentioned those names in conjunction with other names. I am speaking of it in connexion with the Irish Republican Brotherhood. Did Egan mention any other name? (*A.*) I remember him speaking of a man named Louden.”

Then Sir Charles Russell said, “ There should be some limitation to this,” and then it was stopped. I cannot find any other reference to Mr. Louden than that.

(*Mr. Davitt.*) Perhaps I put the question rather too comprehensively.

(*Sir H. James.*) I thought it would appear too comprehensive that is all.

#### Re-examined by Mr. DAVITT.

90,081. I will thank you if you will answer me briefly some few questions which have arisen out of the cross-examination. Sir Henry James quoted from an interview of mine with reference to the meetings in Mayo; that those meetings were carried on chiefly by the Invincibles of Mayo. Would you understand from that, that those meetings were in any way Fenian meetings?—No; because I know, as a matter of fact, that the meetings were not promoted by Fenians.

90,082. You would understand that farmers or farmer's sons in Mayo would carry on these meetings?—Yes.

90,083. But you would not understand that the meeting were promoted by Fenians as such?—No.

90,084. Did you ever know of any man or men calling themselves Fenians claiming these meetings and as having been Fenian meetings?—Never.

90,085. Now, with reference to Archbishop McHale, there was a letter which was quoted from the evidence. You said that the Archbishop was very old at the time?—Oh, yes.

90,086. Are you aware that he was so old that a coadjutor bishop had been appointed years previously?—Yes.

90,087. Sir Henry James quoted from my interview, but stopped short at this sentence, to which I will ask your attention—

“ I should say here that it is generally believed in Ireland that Archbishop McHale did not write the letter although his signature was put to it.”

He did not write the letter, I understand.

90,088. You possibly read that in my interview in the Irish papers in 1882?—I think so, but I have a distinct recollection of writing a letter at the time explaining how that letter appeared.

90,089. About how long after the Archbishop's letter appeared did you write the letter to which you refer?—Within the week.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

90,090. You will try to get it?—Certainly, it is in the “Freeman” or in the “Connaught Telegraph”; those are the papers I write in.

90,091. You have been asked about bodies of men patrolling in Mayo?—Yes.

90,092. If outrages, moonlighting, or anything of that kind had occurred by men at night, would you call that patrolling?—No, I would not call it patrolling. I would say if young men went out at night, and marched in military order, I would call that patrolling.

90,093. But if they were patrolling in the senses in which we understand it in Ireland, would you say that that meant Moonlighting?—I would not, I should certainly consider that drilling, and it would have reference entirely to Fenianism.

90,094. You have been asked if the years from 1870 to 1878 were years of prosperity in Ireland?—Yes.

90,095. What was that prosperity due to, or so-called prosperity?—Principally to the increase in the price of cattle.

90,096. The prosperity from a purely agricultural point of view as I think his Lordship said?—A pastoral point of view.

90,097. (*The President.*) I intended by the expression to include all dealings with the land; sowing and ploughing?—The Land Acts were called the Agricultural and Pastoral Acts, that is why I used the expression.

90,098. (*Mr. Davitt.*) In those years was the condition of the peasantry a comfortable one, or one to promote content amongst the tenantry?—No, there was no distress, but there was certainly no particular comfort. There was the comfort which comes from the absence of distress.

90,099. Was it during those very years of so-called prosperity that the landlords contracted themselves out of the Act of 1870?—Yes.

90,100. The instance you have given in connexion with Lord Sligo. Did that take place during those years of prosperity?—Yes, they contracted themselves out of the Act of 1870, but they certainly defeated the intention of the Act of 1870 by increasing the rent under threatening notices to quit.

90,101. And by doing that they took from the tenants the means of reaping the benefits of that prosperity?—Certainly, and ruined the tenant on their own property in the shape of improvements which the Act gave them on disturbance.

90,102. And were such acts as the landlords contracting themselves out of the Land Act in those years calculated to promote discontent in the minds of the tenantry?—It was calculated to promote discontent, and did promote discontent.

90,103. With reference to Mr. Egan being an auditor in 1881, you have said that he came over to attend to some private business?—I understood so.

90,104. If there was an executive meeting while he was in Dublin, it would be natural for him to attend?—Certainly, it would be his business to be there.

90,105. As a matter of fact, do you know there was an executive meeting?—I do not—I do not remember.

90,106. A statement has been read by Sir Henry James which purports to have been made by Mr. Parnell as to the amount of moneys subscribed by these branches in Ireland. Do you know if, in 1880, Mr. Parnell was actively engaged in the Land League in Ireland or not, or whether he was engaged at Parliamentary work?—With the exception of attending some meetings of importance, Mr. Parnell devoted the most of his time to Parliamentary work.

90,107. During 1880 you say that Mr. Brennan and Mr. Egan were the men in charge of the Land League?—Yes, during my absence in America.

90,108. Then Mr. Parnell would not know as accurately as Mr. Egan or Mr. Brennan what the sums of money were that came from the branches to the Central League?—He would not.

90,109. Do you believe, as a member of the executive, that any such sum as 90,000*l.* was contributed by the branches?—It is clearly a mistake.

90,110. You have talked about an audit of branch accounts by the organisers?—Yes.

90,111. You have said that you recollect my visiting Westport to audit the accounts of the local branches there?—Yes, I was president of that branch.

90,112. That was during the time I was chief organiser of the Land League?—Yes.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

90,113. Would you say that you inferred from that act upon my part, that subsequent chief organizers or sub-organizers did the same thing with reference to other branches?—Yes; I would understand that, but I do not know from my own knowledge.

90,114. You have no absolute knowledge about it?—No; I was engaged almost entirely with a different class of work, and I did not take any interest in the finances.

90,115. About the destruction of documents and proofs, did you hear or know of raids or contemplated raids by the authorities on the Land League in 1881?—I knew of the raid on the office of "United Ireland" in Abbey Street, where a very large quantity of books were taken by the police.

90,116. Do you know it was apprehended that the authorities would raid the offices of the Land League?—That was understood—it was understood from the passing of what is known as Forster's Coercion Act, that they would go for the money; that they would go for the books and everything else.

90,117. Do you remember when the Leaders of the Land League were in prison?—I do.

90,118. Do you remember when the Land League was suppressed?—I do.

90,119. Under those conditions, would it be a strange occurrence in Ireland if documents and letters were destroyed or lost?—I think it would be a miracle if they were preserved.

90,120. Have you ever heard, Mr. Louden, of any political organization publishing an account of its expenditure in this country?—I should think not, and I should think it would not be very good for them if they had to publish their accounts.

90,121. Did you ever hear for instance of the Carlton Club publishing their accounts?—No.

(*The President.*) But if ever the conduct of the Carlton Club came into question before me I should call for their accounts.

(*Mr. Davitt.*) I should be very glad to see the accounts, because I know that in 1867 the Carlton Club defrayed the expenses of O'Donovan Rossa's election in Tipperary.

90,122. You have been asked about a letter from Mr. Doris; who was Mr. Doris?—I said he was a reporter on the "Connaught Telegraph," and I think sub-editor of that paper.

90,123. Was he a respectable young man?—Yes, a very respectable young man. I have never known anything against his character at all.

90,124. Do you know whether he was ever a Fenian?—I know nothing about that.

90,125. You do not know that he was?—I do not.

90,126. You have no knowledge?—None whatever.

90,127. Have you known an instance, I think you gave May 21st, where men charged with certain offences by the police were ultimately acquitted in consequence of money being subscribed for their defence?—Certainly, where people are too poor to pay for their defence; if some one did not come forward to their assistance they would be in a bad way I should say.

90,128. You have been asked about the expression "housebreaking"?—Or intimidation.

90,129. You have been asked whether that would not mean Moonlighting. Might not a forcible entry into a house by an evicted tenant be called housebreaking under the law in Ireland?—It would be a case of housebreaking if there was somebody in the house.

90,130. One other question about the Land League books and moneys—do you know whether the Irish people in Ireland and America who subscribed to the Land League ever asked for any publication of accounts?—No.

90,131. Do you believe that the Irish race throughout the world were satisfied that the money they had subscribed was honestly, fairly, and legitimately expended?—They would not continue to subscribe since, if they did not believe that.

90,132. Do you know as a matter of fact whether the Land League at the time that you were a member of the executive had a complete set of books and kept those books regularly or not?—Well, that is a question I cannot answer, for I never went into the matter of accounts, but I believe that the receipts and expenditure were correctly kept.



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

90,133. Now about the people who shot Ferrick; you were asked whether they were detected, and whether the people gave information to the police. You know this locality very well?—Yes.

90,134. Do you know that a very large number of police are employed in Mayo for the purpose of detecting crime?—At that time there were a large number of police in Mayo.

90,135. You would say a larger number in proportion to what you would find in England?—Probably larger than any place except Kerry now.

90,136. As regards the police, would you say that the police in Ireland was a civil force as it is in this country?—It is a military force.

90,137. A military force; for what purpose is it kept there?—That is, on the face of it, clear.

90,138. Is it not believed in Ireland generally that the constabulary is simply an armed force to protect the interests of the landlords?—It is used now entirely for political purposes, and through the landlords; there is a prejudice against the force certainly.

90,139. There is no such prejudice against the police in England?—No, nor would there be in Ireland if the magistrates had not so much power as they have. The Irish police, I must say, are a most respectable body as a rule, and as fine a body of men as you would meet with in the world.

90,140. But not like English police?—No, it is not a civil force; it is not police in the ordinary acceptance of the term.

90,141. One question with regard to the unfortunate man Wheeler who has been mentioned, are you aware that the occurrence of his death has been discussed in the House of Commons at very great length?—I was not aware of that.

(*The President.*) What has not been discussed in the House of Commons?

(*Mr. Davitt.*) I do not know, my Lord.

(*The President.*) I mean we cannot pay any regard to what has been discussed in the House of Commons, that concerns the constituencies only, it does not concern us.

90,142. (*Mr. Davitt.*) You have been cross-examined very severely by Sir Henry James, in reference to the charge you made against the police?—I do not think severely.

90,143. With reference to the outrages mentioned in the evidence of James Ellis French?—Yes.

90,144. Who was he?—He was chief of the detective department of the Irish Constabulary.

90,145. At that time?—At the time we were speaking of, 1881 and 1882.

90,146. He was subsequently tried and sent to penal servitude?—Yes, he was.

(*Mr. Murphy.*) I do not think that arises out of the cross-examination, my Lords.

(*Mr. Davitt.*) I venture to say it does.

(*Mr. Murphy.*) The witness mentioned the name himself.

(*The President.*) I do not at the moment recollect, perhaps someone will remind me of how the name French appeared.

(*Mr. Murphy.*) The witness introduced the name of French in connexion with the name of a constable who was killed. Sir Henry James then said he had no question to ask about it.

(*Mr. Davitt.*) French's name was introduced in connexion with the statement made by the witness, that Whelehan, and other police officers in Ireland, had employed men to carry out outrage and crime.

(*The President.*) If he introduced the name we need not go further into it, and I must say that these statements and charges against the police have been carried quite as far as they ought to be.

(*Mr. Davitt.*) I will not pursue it any further if your Lordship objects, but the reason I put this question is, that I wanted to ask permission to read a letter that appeared in the public press in Ireland at the time French was in prison, in which letter he threatens to give evidence against the Government, that he had carried out outrage—

(*The President.*) We have nothing to do with that.

(*Mr. Lockwood.*) I will not say anything unless I have your Lordship's permission, but if I have, I should call to your Lordship's recollection this, that Sir Henry James



5 July 1889.]

JOHN JAMES LOUDEN.

[Continued.]

was rather directing his examination of this witness generally to what charges he made, I am not saying now whether rightly or wrongly against the police, and in answer to that, it was that the name of French was given, so it did in that way arise out of my learned friend's cross-examination. Of course that does not go to the extent of justifying what Mr. Davitt is now asking to do, which, no doubt, he will give reasons for, but so far as French is concerned, I think that in this way it cannot be said that the witness introduced the name of French, or that he introduced it in a way to disentitle Mr. Davitt to re-examine upon it; that is my recollection about it.

(*Mr. Murphy.*) My recollection does not agree with that.

(*The President.*) Nor does mine. I am of opinion that you are not entitled to go into this.

(*Mr. Davitt.*) Well, if your Lordship says I am not entitled I will of course agree.

90,147. There is one other question about money items; this Sligo conspiracy case was a case in which charges were brought against myself and Mr. Daly, and Mr. Kelly in 1879?—Yes, it was a charge of seditious conspiracy.

90,148. The investigation before the magistrate lasted a week or ten days?—I think it lasted about a fortnight, it lasted at least ten days.

90,149. Large expenses were incurred?—Yes.

90,150. And the prosecution was ultimately abandoned?—Yes, at the Carrick-on-Shannon Assizes.

(*Mr. Lockwood.*) My Lords, I had intended to call Mr. John O'Connor next, and I intimated so to my learned friend, but at this late hour it is hardly worth while to call such a witness. The next one is short.

Mr. MICHAEL MACARTAN sworn; examined by Mr. TIMOTHY HARRINGTON.

90,151. You are a solicitor, I believe, by profession?—Yes.

90,152. And member of Parliament for Southdown?—Yes.

90,153. You took some part in the land agitation during the time of the Land League?—Yes.

90,154. Were you yourself a member of the Land League Organisation?—I was.

90,155. And did you attend any of its meetings?—Well, a few. I was then serving my apprenticeship. When I was in Dublin I attended a few of the meetings.

90,156. Those meetings you attended were in the county of Down, I believe?—Both in Dublin and in the county of Down.

90,157. Were those meetings that you attended peaceable and orderly?—Always when they were not attacked by the landlords.

90,158. Were some of the meetings you did attend attacked by the landlords?—Yes. one in December 1880 was attacked by the landlords.

90,159. Attacked?—Attacked.

90,160. Do you mean to say while the meeting was actually in progress that a counter-meeting came into the field?—A few days before the meeting posters were put up calling upon a counter-demonstration to be held at the same time and place, at Saint Field in the county of Down. Colonel Warren and a few other landlords at the head of these opposition men came into the field, and when the men were rushing down Mr. Clifford Lloyd, who was in charge of the police force, repulsed them.

90,161. I believe no definite allegation has been made of any kind against you, but you are willing to answer their Lordships anything they wish to know?—Yes, I am anxious.

90,162. You were also a member of the National League?—Yes. There was another meeting in Down at which resolutions were passed.

Cross-examined by Mr. MURPHY.

90,163. Were you a member of any branch of the original Land League or not?—I was a member of the Down Central Branch.

90,164. Did you hold any office in the League?—I believe I was a member of the committee.

90,165. Who was the president there?—I think he is now George Russell, a justice of the peace at present.

90,166. Was he a magistrate at that time or not?—No, he was appointed afterwards.



5 July 1889.]

MICHAEL MACARTAN.

[Continued.]

90,167. Who was the secretary?—Patrick William Russell, the son of a very large farmer there.

90,168. Had you many members?—I could not say correctly what number, but I know all the farmers in the county sympathised with the movement.

90,169. All the respectable people, we have been told, joined it?—Yes.

90,170. About how many members had you?—I could not say how many; the meetings were very largely attended. I could not say the numbers.

90,171. Did you keep books at that branch?—Yes, the secretary kept books.

90,175. A minute book?—Merely a minute book, I think; that was all.

90,173. And a cash book, I suppose?—I cannot tell whether there were two books, or whether the minute book did as the cash book and minute book; I am not sure.

90,174. You were on the Executive committee?—Yes, I was.

90,175. Did you correspond with the head office in Dublin?—The branch did; the secretary did all that work.

90,176. You got a good many letters, I daresay, from them?—I do not think very many.

90,177. Were the funds sent to you for distribution in the country?—Yes, there were circulars sent.

90,178. Were funds sent; money sent to you, and entered in the books?—From Dublin you mean.

90,179. Yes?—I do not remember if there was money sent; it must have been a very small amount; I do not remember.

90,180. You can tell me was there money sent from time to time; cheques and so on?—Not from time to time, I think. There may have been some money sent to assist in organising a large demonstration that was held on the 6th of January 1881.

90,181. But the fact was that money was sent?—It was used in getting up this meeting.

90,182. Do those books exist now, or not?—I could not tell, I have been out of Downpatrick since 1882.

90,183. Have you made no inquiry before coming here?—I did not, I came here rather hurriedly.

90,184. Did you know that their Lordships were very anxious to get information about the books?—Yes, that is what I came here for.

90,185. Did you make any inquiry before you came?—I really got a telegram on Saturday to come over here, I had no time, I am living in Belfast at present, which is a considerable distance from Downpatrick.

90,186. As far as you know were the books destroyed or kept?—I cannot tell, not having been there for years, I have no doubt the secretary would give every information; I have no doubt he will produce them if you want them.

90,187. As to the National League did you become a member of that also?—Yes.

90,188. Where?—I was member in Belfast, and I believe I was a member in Dublin, but I never attended more than two or three meetings.

90,189. Take Belfast, did you keep books there?—I do not know, I never was present, I know they kept books.

90,190. Did you hold office there?—I think I was appointed an honorary member of the committee, but I do not remember attending a meeting there.

90,191. Never having attended a meeting there, you do not know whether they kept books or not?—I believe there are books there still, in fact I have not attended for a long time I have been so engaged with my professional duties.

90,192. Going back to the old Land League had you landgrabbers in your neighbourhood or not?—No they were never in favour there.

90,193. The league had it their own way?—For a very long time in County Down landgrabbers were not known.

90,194. Had you any boycotting going on?—A great deal by the landlords.

90,195. Boycotting by the league it was my intention to ask you?—There was not much necessity for boycotting by the League.

90,196. The people were pretty well afraid of the League?—No; they nearly all sympathised.

90,197. They were afraid of what they called public opinion?—They ate up public opinion.



5 July 1889.]

MICHAEL MACARTAN.

[Continued.]

90,198. They did not take land from which people had been evicted, or do any of those things that would be regarded as offences against the league?—No, I do not know of an instance at the present time, but I know of numbers where landlords put out tenants because they were leaguers.

90,199. Being in the profession you should know that you ought not to answer a question I did not put to you?—I thought you wanted the whole truth.

90,200. What were the members you had in your League at Belfast?—Well, really I could not tell, the halls were always filled when there was a meeting, I have never seen the books at Belfast, there is a committee there and a president.

90,201. Who is the president there?—The Reverend Patrick Coverey.

90,202. The secretary?—The secretary was Mr. Brady, I do not remember his name at the present time. There was a change of secretaries, but there will be no difficulty in giving you the names of all the officers.

90,203. You would probably be able to obtain for us the books of the old Land League by the time the Court adjourns?—I really could not undertake to do that; I can give you no assistance.

90,204. (*The President.*) He says he knows nothing about it?—I know nothing about it.

90,205. (*Mr. Lockwood.*) I understood you to say you mentioned the name of Williams as the secretary?—Patrick William Russell.

90,206. (*Mr. Murphy.*) Was he the person who last had the books?—I do not know, I cannot say, he was secretary, I have not been there for years.

(*Mr. Lockwood.*) I hope there will be no necessity for keeping this gentleman?

(*The President.*) No, I do not think there is anything in this gentleman's evidence that will make it right to detain him.

(*Mr. Murphy.*) Perhaps your Lordships will allow me to say that we will give him notice if we require him.

(*The Witness.*) Thank you, I will come at any time.

(*The President.*) Very well.

Adjourned to Tuesday next, July 9th, at 10.30.



SPECIAL COMMISSION ACT, 1888.

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ROYAL COURTS OF JUSTICE,  
PROBATE COURT No. 1,  
Tuesday, 9th July 1889.

MR. GARRATT MICHAEL BYRNE, M.P., sworn; examined by MR. ARTHUR RUSSELL.

- 90,207. What constituency do you sit for?—West Wicklow.  
90,208. And how long have you been in public life?—About 20 years.  
90,209. You are aware that you are one of the persons charged here?—Yes.  
90,210. Were you present during a meeting which is called the Enniscorthy meeting?  
—Yes.  
90,211. What was the date of that, do you remember?—The 28th March 1880.  
90,212. Will you tell their Lordships what occurred at that meeting; did Mr. Parnell and his party receive any opposition?—Every opposition that it was possible to receive from men who seemed determined to carry their point at any cost.  
90,213. Was the meeting an orderly one?—No, it was a disorderly one.  
90,214. Was it broken up?—Yes.  
90,215. That was a meeting to support your candidature?—At the time of my candidature, that was for the Wexford county at that time. I sat for Wexford county previous to sitting for West Wicklow.  
90,216. In the course of those meetings, I suppose, you spoke very often?—Yes.  
90,217. In the presence of reporters as a rule?—Yes, my speeches would not be reported in the London papers, or in many of the Dublin papers, but in the local papers.  
90,218. Were there Government reporters present?—Frequently.  
90,219. Were your speeches put in here?—In the charges there are two speeches alleged against me, one in the county of Wexford and one in the county of Waterford. The one in the county of Waterford cannot be at all accurate, because I never was in Waterford up to this hour.  
90,220. That is a mistake?—A gross blunder, I should call it.  
90,221. Have you ever directly or indirectly encouraged crime, or been a party to, or connived at, crime or outrage?—Never; quite the opposite.

Cross-examined by Sir HENRY JAMES.

- 90,222. I think you gave the date of this meeting in Enniscorthy, did you not?—The 28th March 1880.  
90,223. At that time you were a candidate for the county?—Wexford county at that time.  
90,224. Enniscorthy is in Wexford?—Wexford.  
90,225. Then the election was just coming on?—The election took place on the 10th April following.  
90,226. A fortnight or so after this?—Yes.  
90,227. What I understand is, some people you differed from opposed you?—Yes.  
90,228. Did you think that a remarkable fact?—It would not be a remarkable fact to be opposed under any circumstances. I was opposed both by some of the advanced Nationalists and also by a Tory, but the opposition was chiefly and most determinedly from what was called the advanced wing of the Nationalists, or the Fenian party.  
90,229. Were not you going fast enough for them?—Perhaps they thought I was not advanced enough for their view.



9 July 1889.]

GARRATT MICHAEL BYRNE.

[Continued.]

90,230. Was there a candidate opposed to you?—Yes.

90,231. Was he more advanced than you?—Yes, certainly, one of the advanced party.

90,232. You have come here to prove, I understand, that the friends of the more advanced candidate tried to oppose you?—I do not think there was any opposition to me personally; the opposition was to Mr. Parnell and his policy.

90,233. And you were a supporter of Mr. Parnell?—I was a follower of Mr. Parnell, yes.

90,234. Then though they had no objection to you personally, it was in opposition to you as Mr. Parnell's candidate, or as a candidate agreeing with Mr. Parnell's policy?—As a candidate agreeing with Mr. Parnell's policy.

90,235. As regards this Enniscorthy meeting, that is all you have got to say?—I have got to say anything I am asked.

90,236. That is as far as I can gather all you have to say?—I am not a volunteer. I am charged, and I am here in order to answer any questions you ask me.

90,237. The Enniscorthy meeting was in favour of Mr. Parnell's policy?—That meeting was.

90,238. Did you join the Land League?—Yes.

90,239. When was that?—1880.

90,240. What period of 1880?—The early part, somewhere about February. I am speaking from memory.

90,241. Did you take any part in the Central League offices in the transactions that occurred there?—I attended meetings of the League, both of the Land League and the National League.

90,242. I am speaking first of the Land League, were you on the Executive Council?—No, I had no office.

90,243. Then you simply attended meetings as any other member of the League would?—Yes.

90,244. What I understood you to say was that you had never spoken in the county of Waterford; was that your evidence?—I have never been there yet.

90,245. The two speeches which were referred to, my Lords, were the two in Wexford. You did speak in the town of Wexford?—Frequently.

90,246. At Land League meetings?—At county meetings—I would not call them Land League meetings, they were promoted by the Wexford County Club, and the people who attended them are all members of the Land League and National League.

(*Sir Henry James.*) I do not think either of Mr. Byrne's speeches have been put in at present, I have nothing to ask as to them.

Mr. JEREMIAH JORDAN, M.P., sworn; examined by Mr. ARTHUR RUSSELL.

90,247. Where do you sit for?—West Clare.

90,248. By what majority were you elected?—I think 6,462.

90,249. A majority of 6,000?—Yes, 6,462.

90,250. You are a native of what town?—I am a native of the town of Fermanagh, and I reside in Enniskillen, the county town.

90,251. You are in business there?—Yes.

90,252. Have you been chairman of the town commissioners?—Yes, twice.

90,253. Was one of those occasions when you were also president of the Land League?—Yes, I was chairman of the town commissioners and president of the local branch of the Land League at the same time.

90,254. Did you find your business at all affected by the treatment of your political opponents?—Very seriously affected. I have been boycotted to the utmost they possibly could.

90,255. Have you ever been a member of a secret association, Mr. Jordan?—No. I have not been a member of any political secret association, either Orange or Fenian. I have been a member of the Good Templars.

90,256. Did you organise the Land League in Fermanagh?—Mainly; and in parts of Tyrone and Monaghan, and Cavan, and Leitrim; I have helped the organisation in all those districts.

90,257. You yourself did?—Yes.



9 July 1889.]

JEREMIAH JORDAN.

[Continued.]

90,258. Were you paid by the Land League for doing that?—Oh, no, not a penny.

90,259. Did most of the people join the Land League?—Very generally; a fair proportion of all sections and sects and parties in the county.

90,260. Were they respectable people who joined it?—The most respectable.

90,261. In your opinion, do you think the Land League—at any rate, speaking of the part of which you know—had anything to do with crime or outrage, in the parts you have spoken of?—Not the slightest. In fact, it was quite the other way.

90,262. You yourself made speeches frequently in support of this land movement?—I have made a great many speeches since 1865 in support of it.

(*The President.*) Your question, I suppose, was not directed to a period so far back as that?

90,263. (*Mr. Arthur Russell.*) No; I did not mean so far back as that?—I have been, since 1865, endeavouring to promote land reform, in whatever shape it arose in the country.

90,264. Have you frequently spoken in the presence of Government reporters?—Very nearly always.

90,265. And how many of your speeches have been put in evidence here?—I think, two.

90,266. Have you ever connived at, or been connected with, crime or outrage?—Oh, never.

Examined by Mr. MICHAEL DAVITT.

90,267. You have not told us whether it was the Land League who boycotted you in Enniskillen?—No; it was at the instigation of the landlords that I was boycotted,

90,268. Oh, the landlords?—Most certainly; and they used the Orange and Protestant institutions to do that.

90,269. You will forgive me asking you the question; you are not a Catholic?—No; I am a nonconformist Protestant.

90,270. And your native place is Fermanagh?—Yes.

90,271. You represent Clare?—Yes.

90,272. Are there many Protestants in your constituency?—Not very many,

90,273. The constituency would be overwhelmingly Catholic, I suppose?—Mainly Catholic.

90,274. And your majority was how much?—6,462<sup>1</sup>

90,275. Who opposed you?—Mr. Reeves, a very respectable gentleman down there.

90,276. What was he?—He was a landlord.

Cross-examined by Mr. ATKINSON.

90,277. Had you ever been in Clare before the day you were elected?—Yes.

90,278. How often?—Once or twice.

90,279. In your lifetime?—In my lifetime.

90,280. Who selected you as a candidate?—The County Convention.

90,281. Up to that time you had no connexion with the county whatever?—No connexion whatever.

90,282. First of all as to boycotting, of which you have been a victim. What business do you carry on?—Grocery and provision business; wholesale and retail.

90,283. Do people sell to you?—Yes, they do gladly sell to me.

90,284. Do they buy of you?—Some people do.

90,285. Do they work for you?—Yes.

90,286. Do they avoid you in church?—Well, they do not avoid me in church in the denomination that I belong to, but to some extent they ostracise me. Because I was a Land Leaguer they thought I was scarcely—

90,287. Who thought?—The church that I belonged to thought I was scarcely qualified to be a close member.

90,288. So that all you have suffered is, that you are not such a close member as you were before?—That is in church matters, which does not very much signify; as to membership of a church that is not very much importance, I suppose.

90,289. So I understand you to say; but that is the only boycotting of which you have been the victim?—In my business—I have been boycotted in my business.



9 July 1889.]

JEEEMIAH JORDAN.

[Continued.]

90,290. How?—By the refraining from buying from me, refusing, customers that I had leaving me, and leaving me without cause, as far as I know.

90,291. That is, they used to deal with you?—They used to deal with me, and told me they could not deal with a man of my principles, and to go and get custom from the Land League, and the members of the League, for they could not support a man of my principles any longer.

90,292. Were you ever denounced at any meeting?—I have been denounced continuously, serious denunciations at Orange gatherings, and Tory public gatherings, during the whole of my life.

90,293. So this would not arise for the first time in 1886?—I could not fix any date.

90,294. When did you first become a member of the Land League?—In 1879, almost at the inception of the Land League.

90,295. When were you returned for Clare?—I was returned in 1885.

90,296. Did you know anything about the criminal condition of the county of Clare when you went down there to be elected in 1885?—No, not particularly.

90,297. Did you know there had been many people murdered?—Well, I cannot say I did, except by general report.

90,298. Did you know a man named Byass had been murdered for caretaking an evicted farm?—No, I did not.

90,299. Did you know anything of what had happened in Clare to those who took evicted farms?—No, I did not; I did not hear of anything special.

90,300. Just attend to the speech you made in Clare in this state of ignorance. You spoke, I think, on the 15th of December 1886.

(*Sir H. James.*) It is one of the speeches in—

(*Mr. Atkinson.*) At Kilfenora, county Clare, on the 15th of December 1886; do you remember saying this:—

“Land-grabbing is going on in all parts of the country, but I must say that in the north of Ireland—and I was in Monaghan, Cavan, and in Derry—on the estates of the Drapers’ Company, and I found this state of things—that, though the Protestants and Orangemen will not join the National League, yet they rarely or never grab a farm.

“Can that be said in these parts of the country? (No !)

“I know two farms in Enniskillen out of which the landlord evicted Catholic tenants, and none of these places was ever taken by an Orangeman or a Protestant.

“Cannot you in Clare do ditto? My idea about land-grabbing is this, that the farm from which a tenant is evicted for an impossible rent, or a rackrent, should be permitted to remain idle, and I do it on the most legal and constitutional basis.”

Then you go on to say:—

“If any man comes and sits down on that farm the question assumes another shape. No man has a moral right to do it, no man has a right to take it, and if a man does take it the wonder is that there has been so little crime under the circumstances.”

Did you know what the circumstances were, Mr. Jordan?—I was speaking in general terms; I was not referring to any specific cases.

90,301. Assuming that outrages had been committed on persons who took land in the county of Clare, is not that a direct encouragement to outrage?—I do not think so.

90,302. Or a palliation of outrage?—Well, the latter sentence might appear so. Those words expressed my views then, and they express my views now.

90,303. Then, even if you had been aware at the time that you made that speech that outrages had been committed, amounting to murder in some cases, on men who took, or took care of, evicted farms, you would have used this language?—I cannot say what I would do under a certain state of circumstances which did not exist.

90,304. Do you mean that outrages were not committed on men who took evicted farms in county Clare in 1885?—I did not know that, and I cannot assume what I would do unless placed in conditions.



9 July 1889.]

JEREMIAH JORDAN.

[Continued.]

90,305. Assuming you had knowledge?—I cannot tell. These are my views in relation to land-grabbing, and I could not say what I would do under circumstances that would exceed those conditions.

90,306. But did you know the conditions?—I know the conditions of land-grabbing.

90,307. Did you know the conditions of the country in which you were speaking, and what attended land-grabbing?—No, I did not. I do not think, generally, there was crime and outrage outside land-grabbing; I do not think so.

90,308. Did you know anything at all about the results of land-grabbing in county Clare at the time you made that speech?—I have told you already I did not specifically, but whether I did or did not—

90,309. You would still tell the people, even though men who took land, or took care of it, had been murdered, and outrages committed upon them, you would still tell them that if a man does that, the wonder is there has been such a little crime under the circumstances?—I do not know what I would have done if I had that knowledge, but I still say that my astonishment was that there was not so much crime, but so little, under the circumstances of provocation.

90,310. Do you know how much there was?—Well, in the aggregate I do not think there was so very much.

90,311. Did you know how much there was in the county in which you were delivering this speech?—I have said already I did not.

90,312. You made that speech in the month of December 1886?—Yes, I think so.

90,313. At Kilfenora?—Yes.

90,314. How far is that from Newmarket?—I do not know.

90,315. About three or four miles, is it not?—I do not know. It is in my own constituency, and I did not trouble myself about anything beyond.

90,316. You do not seem to know much about it?—I know my own constituency pretty well.

90,317. You do not know, apparently, about the outrages which had been committed in your constituency before that?—No, I am not particularly conversant with them.

90,318. Did you take any trouble to ascertain?—No, I did not.

90,319. You do not know, do you, how far Newmarket is from Kilfenora?—No.

90,320. Ballycar?—No, I do not know that name.

90,321. Did you know that this man Byass was murdered within two months of the date of the delivery of that speech?—I told you before I did not.

90,322. Did you ascertain even; did you see in the papers of the murder of Byass?—Yes—well, I do not remember; it has not impressed my memory; I do not recollect having seen it.

90,323. Did you look upon it as a matter of small account, occurring in your constituency?—I do not think that any murder is a matter of small account at all.

90,324. Then did you, when you made that speech in 1886, find out that a caretaker was murdered at this place at Ballycar?

(*Mr. Justice A. L. Smith.*) I think he was murdered in 1887.

(*Mr. Atkinson.*) He was murdered within about two months.

(*Mr. Justice A. L. Smith.*) After?

(*Mr. Atkinson.*) After, yes. After the speech. It was my mistake.

(*The President.*) You said within a month. You did not say whether before or after.

90,324a. (*Mr. Atkinson.*) Two months after. I presume you saw in the papers that Byass had been murdered?—Very likely.

90,325. Did you take any trouble to ascertain, at all, that Byass was a caretaker on an evicted farm?—No, I do not recollect.

90,326. Did you take any trouble to ascertain that?—Most certainly not; I took no trouble.

90,327. Did you take no trouble to ascertain whether it was possible your speech might have had the effect of encouraging that?—I think my speech would have the very opposite effect. I think my speech would not at all encourage crime or outrage. I never intended it so, it would rather be a preventative.

90,328. You say that you wondered at so little crime occurring?—Yes; I most certainly say so.



9 July 1889.]

JEREMIAH JORDAN.

[Continued.]

90,329. Do you think that was a preventative?—It would not have encouraged crime or outrage at all. I wondered there was so little, considering the provocation the people received. I considered there was the minimum of crime probably.

90,330. Do you consider it a matter of provocation that Mr. Byass was earning his living by taking an evicted farm?—I am now speaking of the general provocation to the people in Ireland.

Re-examined by Mr. R. T. REID.

90,331. Have you ever been charged in Ireland or anywhere else with having encouraged by your speeches, or otherwise, any form of crime?—Oh! decidedly not, sir.

Mr. THOMAS MAYNE, M.P., sworn; examined by Mr. R. T. REID.

90,332. What constituency do you represent?—At present Mid-Tipperary.

90,333. Did you represent another constituency before that?—Well, previous to 1885 I was one of the two members for the county generally.

90,334. You are one of the gentlemen charged in this inquiry?—Yes.

90,335. Have you made many speeches in Ireland?—I have.

90,336. In the presence of Government reporters?—Yes.

90,337. Have you ever at any time encouraged any sort of crime?—I have not.

90,338. Have you ever spoken upon the subject of crime that you recollect, except in the way of condemning it, or have you ever encouraged it in any way?—Whenever I spoke in a district where crime had any existence, I spoke against it, whenever I spoke in a place where crime did not exist, I made no allusion at all to it until recently—until since Mr. Balfour commenced his peculiar mode of Government. I have spoken everywhere I appeared, against them doing anything—I have advised the people—that in my opinion Mr. Balfour's policy was one of provocation, and I have strongly advised them against being tempted into anything like retaliation.

90,339. Now, Mr. Mayne, I think that you are referred to once in evidence, at page 2,336. Captain Slacke was referring to a case of Mr. Richard Mitchell, and he said Mr. Davitt and you made a speech at Fethard on the 12th April 1885, and that you said there ought to be no compromise with the land-grabber, or something to that effect. Do you recollect that occasion?—I recollect speaking twice or three times in Fethard, and certainly on one occasion I spoke strongly against land-grabbing.

90,340. You have some acquaintance with the Land League in your district?—Well, I reside in Dublin.

90,341. Have you much knowledge of Tipperary?—I have, yes. I was not connected with the Land League in Tipperary. I was connected with the Land League in Dublin.

90,342. Can you tell me whether the people, so far as your knowledge goes, in Tipperary and elsewhere—whether the people belonging to the Land League and the National League have been respectable people—have been the respectable neighbours?—They have.

Cross-examined by Sir HENRY JAMES.

90,343. You have referred to this speech which Captain Slacke mentioned. Captain Slacke attributed to you the words that—

“Tipperary should look upon the grabber as a man who has forfeited the right to a home within its border. No compromise with the land-grabber.”

—I do not recollect those words. I do not recollect that, but I would make that speech to-morrow if I believed there was any necessity for it.

90,344. It being said here that you used them, and they seem to be given in inverted commas, I do not understand you to say you did not use them?—I do not say I did not use them.

(Sir H. James.) There is one other speech of yours. It occurs in our proof of the speeches at page 862.

(Mr. Justice A. L. Smith.) The date?



9 July 1889.]

THOMAS MAYNE.

[Continued.]

90,345. (*Sir H. James.*) The speech was made at a meeting at Ballingarry—that is in Tipperary?—Yes; that is in my division of the county.

90,346. October 4th, 1885; you were present. I will call your attention to the words. Did the Rev. Dr. Ryan, the parish priest, speak?—I think so. I think he took the chair.

90,347. Yes, he took the chair, we have it here. Did he say this in your presence: There is another topic on which I would like to say a few words?—I was not present. Well, when you say in my presence, I do not think I was present while the chairman was speaking, but at the same time, there is nothing Dr. Ryan would say that I would decline to accept.

90,348. The speech is in. If you say you did not hear it, I have no right to read it simply because it was at a meeting that you were afterwards at, but at which you were not present when Dr. Ryan spoke?—At that Ballingarry meeting the weather was very bad; it was raining heavily all the time, and I think I was not brought on to the platform until the close of the chairman's speech, and after my own speech I went to the chairman's house.

90,349. Do you recollect his saying this; it is at the close of his speech:—

“There have always been in every country men who would strive to fatten  
“on the poverty of their neighbours. These are the land-grabbers. The farmers  
“who possibly held in their pockets the blood-money of Ireland's greatest sons,  
“their own associates; these they sold for a vile abomination. In the supreme  
“struggle for the freedom of the country, they are against you—they ought to  
“be removed from the company of men, as persons afflicted with leprosy or  
“cholera. From this arises boycotting.”

Do you remember that?—I do not.

90,350. This is your speech, Mr. Mayne:—

“When I came into your district, I put the question:—Have you any cases of  
“land-grabbing? I was told there were some time ago, but now there were none.  
“After hearing the speech of your parish priest, say I do not wonder there is no  
“case of land-grabbing.”

I gather from that you must have heard Dr. Ryan's speech?—I must have heard either the speech or some of it.

90,351. I have been reading to you about land-grabbers—you say in this speech—this may recall it to your memory?—How long ago is it since that speech was delivered?

90,352. 1885. Hearing your speech read probably your memory is refreshed.

“After hearing the speech of your parish priest, I say I do not wonder there  
“is no case of land-grabbing—where the national and political relations of the  
“men of a district are joined together I say grass-grabbing or any vice national  
“or otherwise is impossible.”

Does your memory go back to say why it was after hearing the speech of your parish priest you were not surprised there was no case of land-grabbing?—The people having gone into a land agitation, would render the whole agitation abortive if they permitted land-grabbing; and wherever there was a proper spirit—a proper spirit amongst the people—land-grabbing could not exist, because it would be some black sheep amongst these that would go and land-grab.

90,353. I gather what you say is, if there was a proper spirit, the proper spirit would be to show that the land-grabbers ought to be removed from the company of other men as persons afflicted with leprosy and cholera?—Well, if persons were afflicted with leprosy or cholera other people would avoid them. That is the sort of treatment I have always advocated myself for land-grabbers; that people should avoid them—and it is the sort of treatment I have heard was recommended at meetings I have held, by other persons present.

90,354. The language here is “removed from the company”?—If you mean they ought to be murdered—people in cholera are not murdered, nor people in leprosy.

90,355. Then the words follow——?—They should be avoided.

90,356. I am not putting it to you in the graver sense of murder, but the one you understood Dr. Ryan was speaking of?—Yes, boycotting is the only weapon the people



9 July 1889.]

THOMAS MAYNE.

[Continued.]

have, unless they resort to a worse one, and in Tipperary I have never hesitated to recommend strongly boycotting, because if they did not adopt boycotting there is just the possibility Tipperary men might adopt another course that would not be at all so harmless.

90,357. You say at this time you know there was no land-grabbing in Ballingarry, and you were anxious your words should reach further than your audience?—Yes, in any part of Tipperary I think one's speech is not confined to the parish it happened to be delivered in.

90,358.—

“ Now, gentlemen, although you happen to have no land-grabbing in Ballingarry, they have it elsewhere in Tipperary, and not very far from Ballingarry, and I take this opportunity of saying to these misguided, infatuated individuals who become the tools of persecuting and robbing landlords, by grabbing the farms from which honest men have been evicted because they would not pay rent that involved the sacrifice of themselves and the starvation of their families—I say to these infatuated fools, let them look to the position which they hold in the national and political life of our country. The land-grabbers have become so despicable that it is impossible to hold a meeting in any part of Ireland, north, south, east, or west, without the condemnation of their conduct and action being one of the most important resolutions submitted to the meeting. I ask land-grabbers, whether in Ireland or out of it, to consider this fact. If there were no land-grabbers, there would be no evictions. Landlords are not fools, and if they find that when they evict an honest man from his farm, and from the house that he owns—not the landlord—that when they evict such a man, they cannot get an infatuated fool of a land-grabber to take it, the landlord would abstain from evicting. That he has lost a tenant that he could make a good tenant of if he had treated him justly and fairly; if he were to find that he had no tenant at all, he would not evict such a man. But if that landlord happens to know that in the neighbourhood there is to be a traitor who is so mean and so contemptible that he is willing to help that robber landlord in despoiling the property of an honest tenant; if that landlord feels that he is backed up by such a scoundrel, he will evict that honest tenant, and snatch the victory which that land-grabber provides for him. Because the landlord does not care so much for the rent which a grabber may pay as for the victory which a grabber wins from him. If there is no land-grabber, and if, when the landlord evicts a tenant, the farm lies derelict, then the landlord is defeated. The tenant, though he is not the victor, he is bound to be the victor later on. Down with the man who could step in, and snatch the victory from his brother Irishman, that honest tenant farmer who has been evicted. The grabber, therefore, is the proof of victory; the landlord is only the man who paves the way for the grabber. He is the principal evictor. On you depends whether the landlord will put his outrageous power into practice or not. Now, gentlemen, if there are a few grass-grabbers I would strongly recommend them to be still fewer before I have an opportunity of again addressing an audience, for I shall look upon it as an important portion of my duty to make the situation for the grass-grabber so hot that their hay would scorch before it could be saved.”

What did you mean by saying “make the situation for the grass-grabber so hot that their hay would scorch before it could be saved”?—What I mean by the whole extract you read is, I think, abundantly plain on the face of it. It is my idea of a short gospel of the land question. Now you ask me with reference to the last portion of it.

90,359. I have read that, therefore, in order that you should have the context. I am asking your attention to these words. What do you mean by what you said. You ended your sentence with these words:—

“ Now, gentlemen, if there are a few grass-grabbers I would strongly recommend them to be still fewer before I have an opportunity of again addressing an audience, for I shall look upon it as an important portion of my duty to make the situation for the grass-grabber”—that is the man himself—“so hot that their hay would scorch before it could be saved.”

—What do I mean by that?



9 July 1889.]

THOMAS MAYNE.

[Continued.]

90,360. You would make his situation so hot that their hay would scorch before it could be saved?—I mean he should be so completely boycotted nobody would either cut or save that hay; and it would actually frizzle on the ground before it could be saved—that it could be neither cut nor made in any way productive to him—that nobody should work for the grass-grabber or land-grabber. Grabbing involves the previous disposition of the man to whom that crop belonged—bear that in mind.

90,361. When you said the situation of the grass-grabber was to be made so hot, you say you meant that figuratively, and that about the grass being scorched that was literal?—The hay does scorch or rot before it is cut.

90,362. I think it right to read the next words. You said:

“Although I am quite prepared to condemn grass-grabbing, I also am quite prepared to reiterate the recommendation of your reverend chairman in condemnation of any kind of outrage. In connexion with the present political life of our country we must be guarded, and we must be moderate. I do not care to what strenuous length the boycotters will indulge their selfish greed by grabbing land or grass which is the property of another tenant. I do not care how far the fashion may be carried. I hold the opinion that they are very well off at boycotting. Boycotting may be bad, but there is worse than boycotting. And if boycotting pays, so much the better for them, and so much the better Pharisee newsmongers in England. Boycotting when properly used prevents outrage, because boycotting is not an outrage. It has become fashionable with the English newspaperers, who profess to know so much about Irish affairs—it has become fashionable with them to speak and to write about boycotting as if it were an outrage. Now, gentlemen, boycotting is no outrage. Boycotting is a perfectly legitimate exercise of the right of choice in dealing with, or in friendship, or in some other respects. No man has a right to be forced to bid a rascal good evening. No man has a right to be forced to buy the butter of a scoundrel, or to buy his cows or sheep, or to sell him anything at all. Boycotting is a science, and it may be described as the science of severely letting a man alone. If the man who deserves boycotting is so supreme a mortal that he can afford to set himself above or below—and this is nearer to him”——

I am reading it as it is reported; something must be left out there:—

“All the rest of his fellow men as to set up for himself a course of action that he knows to be evil—if such a man exists—then let him feel, if he is so superior to his fellow men, that they can do without him. They can enjoy their friendship without him. They can pass their morning or evening greetings leaving him out of them. They can pass through the market without either seeing him or anything he has to sell. They can even go so far in blindness as to see him enter their shop and not see him and his money. They let him go home to enjoy that dignified social position which he has chosen for himself, and they are perfectly right in saying that gentleman has made his own bed and he has a perfect right to lie upon it.”

I see you say two things. First, a person if he chooses need not sell anything in the market to the man he wishes to boycott, and also that when a man enters their shop they need not see him or take his money. Would you recommend boycotting to the extent of not selling anything to a man?—I would.

90,363. I mean by that, including the necessities of life?—Including the necessities of life. If he wants the necessities of life he knows the terms upon which he can have them. He has got only to become friends with the people he always was friends with, and he can have the necessities of life, and anything else he requires.

90,364. In becoming friends he must conform to the views of those persons?—In order to become friends among the people whom he lives with he has to show them he is not their enemy.

90,365. He has to show them that he conforms to the views they entertain?—He is to conform to such laws as will not destroy the efforts they have been making on their own behalf.

90,366. In the sense you have now been speaking of?—If he chooses to set up his own opinion above everybody else's, except the landlord employing him, then he may take the consequence.



9 July 1889.]

THOMAS MAYNE.

[Continued.]

90,367. I think in another speech you made you emphasised this view that you have just expressed—a speech of yours on the 20th September at Cahir, in the neighbourhood of Tipperary?—The 20th of September, what year?

90,368. 1885. I see you express yourself very much the same there as you have done in the box to-day:—

“Mr. Mayne went on to say the landlords would find it impossible to deal with the land unless the rascals in the shape of land-grabbers turned up to their assistance. It was work such as this that brought about the land agitation. Behind the bayonets of the police the grabber showed his filthy face again. So long as there is liberty in the land for the expression of honest public opinion, so long will I denounce the grabber. Let no man speak to him, let no man serve him, let no man be found near him, and show the traitor and the rascal that there is no salvation for him. Leave him by himself, let his children be taught that they are the offspring of a traitor; the refuse of honest men and honest women, that they must go elsewhere out of Ireland, from amongst the people whom they have outraged and they have helped to rob.”

Do you recognise those words?—Yes, I do.

90,369. And adhere to them to-day?—I do, and would make that speech before mid-day if it were necessary now.

(*Sir Henry James.*) I do not think that speech has been in. I gave the place Cahir, 20th September 1885.

Re-examined by Mr. R. T. REID.

90,370. During this agitation have you ever known any person's life in danger by the want of the necessaries of life?—No, I have not.

Mr. JOHN O'CONNOR, M.P., sworn; examined by Mr. LOOKWOOD.

90,371. What constituency do you represent now?—South Tipperary.

90,372. How long have you represented South Tipperary?—Since January 1885.

90,373. I think that you were returned to Parliament first during the Parliament of 1880 to 1885—at a bye-election in 1883, was it?—Yes, in the last session of that Parliament.

90,374. What constituency did you represent during the remainder of that Parliament?—I was the last witness's colleague in the representation of all Tipperary.

90,375. That is before the redistribution in 1885?—Yes.

90,376. What is your native place in Ireland, Mr. O'Connor?—Mallow, county Cork.

90,377. You took part I believe in public life before going into Parliament?—Yes.

90,378. I must ask you with regard to your earlier life, before you became a member of Parliament, or before you had taken any part of public life?—Yes.

90,379. I believe you joined the Fenian body, did you not, in 1886?—Yes.

90,380. How old were you then?—I was something more than 15.

90,381. You mean you were about 15?—I was about 15. I was turned 15.

90,382. How old are you now?—Turned 38.

90,383. Were you a boy at school?—I had left school. I was at work.

90,384. Where were you living then?—At Cork.

90,385. Then I think after that you were in business as a commission agent in Cork?—Yes, for many years.

90,386. When first, Mr. O'Connor, was your attention attracted to the movement of which Mr. Parnell was the head?—Well, I was attracted to Mr. Parnell's movement at its very inception, but my mind had undergone some change before that time.

90,387. As to the means which were to be adopted in the case of Ireland do you mean?—Quite so.

90,388. When did you formally attach yourself to the party of Mr. Parnell?—In 1880.

90,389. When did you cease to have any connexion with the Fenian body?—About that time.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,390. That would be about 1880 and from that time?—Yes, after I had read Mr. Devoy's letters.

90,391. Those, of course, were earlier than 1880?—They were, I think, in 1878 and 1879, and after I had read Mr. Davitt's speech. You see Mr. Devoy's letters appealed to me particularly, because he addressed them to the young men who were devoting their time to revolutionary purposes; and, if I remember, he said we should come out of the rat-holes of conspiracy and take part in the public life of the country, and those letters made a great impression on my mind, and then I began to read Mr. Davitt's speeches, and they seemed to afford us the opportunity of taking Mr. Devoy's advice, as well as having an effect in my mind, because I thought they were economically sound.

90,392. Do you remember Mr. Parnell's election for Cork?—Yes, that was the third event. That election to Cork completed my conversion to constitutionalism.

90,393. Since that time have you ever had any connexion whatever with Fenians, or with the Fenian body?—No, none. I had no part in Mr. Parnell's election. I took no notable share in that election; but it had such an effect in my mind, it was such a wonderful thing that election having been won under the most disadvantageous circumstances.

90,394. Pardon me for a moment, what disadvantageous circumstances do you allude to?—Well, Mr. Parnell came into the field very late, and he was brought here simply for the purpose of dividing the national ranks, and notwithstanding he was returned second on the list, and it appeared to me to be a wonderful thing, because some years before we tried to win Cork with John Mitchell, and we were defeated, although we were early in the field; and then it appeared to me that the Irish people had great faith and confidence in Mr. Parnell, and I thought I could not remain any longer aloof from a movement that the people were so much attached to.

90,395. Then you devoted yourself to his cause?—I at once established a branch of the Irish National League in Cork.

90,396. You disassociated yourself, I understand, from the Fenian body from that time?—I had no active connexion with them since that time, in fact I had ceased to be a Fenian practically at the time.

90,397. Well now, Mr. O'Connor, you established as you say a branch of the League at Cork?—At Cork city.

90,398. Had you any position upon the branch yourself?—I was a member of committee.

90,399. Did you continue as a member of that committee until the suppression of the League?—Yes, but we had a re-organisation of the branch by Mr. Parnell.

90,400. When was that?—Some months after it was first established.

90,401. I have not got a date for the establishment of this branch?—When I became——

90,402. Pardon me a moment, when was the branch established—the date?—About a fortnight after the election of 1880.

90,403. That would be early in the year—the elections of 1880, I think, took place in March or April?—Early in the year; Mr. Parnell re-organised the branch a couple of months after, and I became the honorary secretary.

90,404. How long did you continue secretary of that branch?—Up to the time of my arrest in 1881.

90,405. In what month in 1881 were you arrested?—The 4th of July 1881.

90,406. What were you arrested as—a suspect?—A suspect.

90,407. Were you put into gaol?—Yes.

90,408. What gaol?—I was first sent to Naas; then to Kilmainham; then to Clonmel; then back to Naas; then to Cork, and discharged.

90,409. When were you discharged?—The following June.

90,410. June 1881?—June 1882.

90,411. You were about 11 months in gaol upon that occasion?—About 11 months and a fortnight.

90,412. During the time that you were connected with the branch of the Land League of which you have spoken, is it true to say that the branch in any sense encouraged crime or outrage?—It is not true. On the contrary, our speakers repeatedly condemned outrage and crime.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,413. And so far as you were concerned did you honestly endeavour to stay outrage and to stay crime?—At all times, yes.

90,414. Tell me, generally, what were the character and the position of the people who belonged to this branch?—At Cork?

90,415. Yes?—Well, at first I had to complain that the citizens of Cork did not join it. It was mostly composed of what we call liberty farmers; that is, those farmers who dwell within the parliamentary boundary, but outside the municipal boundary. The citizens of Cork did not join it very extensively until the Coercion Act was put into operation, when gradually the business people of Cork began to join it.

90,416. The respectable business people?—The respectable business people, after some time; they came in gradually.

90,417. We know there was an Act in 1881 and an Act in 1882. You refer, I suppose, to the Act of 1881?—I refer to the Act of 1881.

90,418. Now, you came out of prison in June 1882. Did you then continue to reside in Cork?—Yes.

90,419. You afterwards, I suppose, associated yourself with the National League?—Yes, when I came out I began to gather up the scattered remnants of the organisation and pull them together again. We established an *ad interim* organisation. I think it was a labour organisation we called it, and we also busied ourselves in helping the farmers to take advantage of the Arrears Act.

90,420. Now, during the time of the existence of the branch of this League, had various sums of money been expended by you. Had any moneys been expended by you?—Of the Land League.

90,421. Yes?—Yes, a considerable amount.

90,422. And I believe when you came out of gaol, in June 1882, there were certain claims made to you which you subsequently paid?—Yes, quite so.

90,423. Have you any record. Have you been able to lay your hand upon any of your papers before you were sent to gaol in 1881?—No, none. I kept no papers. I left the accounts behind me.

90,424. What became of them, you do not know as I understand?—I do not know.

90,425. You were marched off to gaol. I suppose you had not very much notice of that?—About an hour's notice. That is, I was allowed an hour after my arrest to settle up my business affairs—my own private affairs, but not public affairs.

90,426. And you have, I believe, searched amongst your private papers to see whether you could find any records of the payments you made?—Well, I made no search for records of payments made by me before 1881, because I kept none.

90,427. You have found a book, have you not?—I have found a book in which I kept an account of moneys expended by me when there was no organisation, and no officers, and when the expenditure concerned myself personally.

90,428. Have you got that book here?—I have.

90,429. Just produce it please. (*It was produced.*) I introduce this at an early stage of the examination in order that my learned friend may have an opportunity of looking at it. I see on the one side appear the cheques. On the left-hand side, "To cheque." There is 100l.; "cheque 400l." Then are those on the other side the disbursements which you made?—Yes.

90,430. The first date I see looks like the third of the second month of 1883. There is no date as to when you received these cheques for 100l. and 400l. Do you remember when you got those cheques?—Oh, I got them towards the end of 1882.

90,431. From whom?—From Mr. Parnell.

90,432. That is after you came out of gaol?—Yes.

90,433. Then I see there is a cheque for 500l. I will not go into this book more in detail at present. I will at once hand it to Sir Henry James?—I may say I looked up that book, because when I was reading the reports of the trial here in Tullamore Gaol a few weeks ago I saw these cheques referred to in cross-examination of Mr. Parnell, and I thought it was only right to produce to the Court whatever I knew about them.

90,434. Certainly. I did not ask you the question, but you are now undergoing a term of imprisonment at the present time. You have been brought over by the order of the Court?—Yes, at present I am undergoing a term.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,435. I was going to deal with that in the history of the case. You heard of the evidence of Mr. Parnell when you were in Tullamore Gaol?—I read it by the order of the Court. I got some newspapers every day containing that report, or a newspaper with a report.

90,436. There is one incident that I want to call your attention to. You have said that when you came out of prison you gathered together as well as you could the remains of the branch of the League which had existed, and formed what I think you called a labour league?—Yes, that was the first organisation we formed after we were released. We formed a labour organisation.

90,437. Was that formed in your own district?—No, it was formed generally for the entire country.

90,438. Do I understand that you associated in the formation of it?—I was on the executive of that organisation.

90,439. For the whole country?—For the whole country.

90,440. How long did that organisation continue?—It was absorbed in the National League.

90,441. When?—At the formation of the Nation League.

90,442. What date do you give for that?—Upon my word I quite forget the date of the formation. It was in 1884, I think.

90,443. Earlier than that I think?—1883 or 1884.

90,444. Earlier than that, was it not. Was not it in 1882?—No, the National League was not formed in 1882.

90,445. Then when first of all did you become connected with it?—Mr. Harrington knows all about these dates.

90,446. Yes, but we want to know what you know. It is not very material that I should delay discussing this question. We know when the League was started. I think you, at any rate, were one of the first that was associated with the National League in its creation?—Yes; my name was the first name proposed for the executive by Mr. Parnell, which I esteem to be a very great honour.

90,447. You say you were chosen by Mr. Parnell as the first on the executive of the National League, and you have continued your connexion with that League?—Yes, up to the present moment.

90,448. So far as you know has there been on the part of the National League, or any branch or executive body with which you have been connected, any encouragement of crime or of outrage in Ireland?—No, there has not been any encouragement.

90,449. And so far as you are concerned have you honestly endeavoured to stay crime, and to stay outrage?—I have at all times. I have denounced it publicly, and I have also by every means in my power tried to stop outrage.

90,450. Have you looked upon crime and outrage as the enemies of the National League?—That has always been my opinion.

90,451. And you have so spoken of it in public, I believe?—Yes; more than once.

(*Mr. Lockwood.*) My Lord, I was going to come to an incident in 1886, which is reported at page 1174. It is alluded to at page 273 of the Attorney-General's opening. With your Lordship's permission I will read a sentence or two in order that I may call to the mind of the witness the occasion to which reference is made. This is from the speech of the Attorney-General—

“Who came down there?”

said the Attorney-General,—

“Mr. John O'Connor, M.P., one of the persons who is amongst those who are charged. That was on the 29th November, and the assizes just coming on. It being known that in Cork there had been a good many jurors who had done their duty according to their oaths, and there had been some instances, not very many, but still there had been instances, of some convictions in Cork.”

I think that is enough for me to read to call the witness' attention to the incident.

90,452. Do you remember visiting Cork as there stated about that date?—I think the Attorney-General refers to Mallow.

90,453. You are quite right. The assizes were held at Mallow?—Yes; quite right; at Cork, I remember; but I did not come down as stated by the Attorney-General.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,454. The Attorney-General, I think, says Cork?—I did not come down as stated by the Attorney-General.

90,455. Do you remember going there at this date?—Where to?

90,456. Going to Cork?—Yes, I went to Cork from Mallow. I had stayed at Mallow the night before.

90,457. You were living at Cork at this time?—I was living at Cork at this time. I was coming home.

90,458. Had you any special purpose in visiting Cork at that particular time?—I had been at a meeting the day before, Sunday, and I stayed at Mallow that night with a friend of mine, and I was on my way back home. The Attorney-General represented me wrongly when he said that I came to Cork for any special purpose.

90,459. When you arrived at Cork did you find a number of prisoners arriving?—I saw a number of prisoners. I saw a number of policemen first. They attracted my attention when I came out of the train, and I walked down the platform, and then I saw a number of prisoners handcuffed one to the other.

90,460. Had you any knowledge up to that time that there were any prisoners arriving at Cork at that particular time?—I had no knowledge whatever.

90,461. Is it true to suggest that you were designedly there for the purpose of meeting these prisoners?—It is not true.

90,462. When you got out upon the platform did you see the prisoners?—I saw the prisoners, and walked down their ranks.

90,463. Were they drawn up in line?—They were drawn up in line, yes.

90,464. Did you see amongst them a gentleman that you knew, Dr. Brosnan?—Yes, I saw Dr. Brosnan.

90,465. I believe he was handcuffed on the platform?—Yes, handcuffed to a rough-looking man.

90,466. Did you go up and speak to Dr. Brosnan?—Yes, I went up and shook hands with him and told him "Cheer up," and this has been made a very grave charge against me. But I may remark that when Dr. Brosnan was afterwards acquitted by a jury a great many people went and shook hands with him, and my crime is that I shook hands with him on the day of his trouble.

(*The President.*) No, that is not the charge with which we are dealing.

(*Mr. Lockwood.*) I think, my lord, one of the witnesses alludes to that.

90,467. And then after that were the prisoners marched through the streets?—Yes.

90,468. They were marched away from the station?—They were marched under a very heavy escort of police.

90,469. Did you take a car from the station?—I took a car, as I usually do.

90,470. To drive home?—To drive home.

90,471. Was there a crowd of people?—A crowd gathered as the column moved through the streets of Cork. Every man who had nothing to do, I suppose, followed the immense crowd of prisoners and police, and I drove by their side, until I reached the corner of a street.

90,472. Did you hear some boys or men cheering for the Kerry Moonlighters?—Yes, I heard some boys and saw some boys cheering for the Kerry Moonlighters.

90,473. What did you do upon that?—I got off the car, and I asked some men who were standing at the corner of Bridge Street to check the boys. They did so, and in order to give them a good cry I said, "Three cheers for a fair trial," and the boys took it up and continued it all through the street.

90,474. Is it true that you called out, "Down with British law"?—No; I said, "Give us British law."

90,475. Did you call out, "Down with the Cork jurors"?—No; I said, "Down with packed juries."

90,476. What did you say? Did you mention the names of Poff and Barrett?—I said, "We will have no more Poffs and Barretts here."

90,477. I want to know what you alluded to there?—I alluded to the two men who were hanged at Tralee, who were found guilty at Cork, and whom every person believed to be innocent of the charge that was brought against them.

90,478. Is it true that you called out on that occasion, as it has been said that you called out, for cheers for Poff and Barrett?—No, I did not. It was also stated by some witness that I said, "Three cheers for the Kerry Moonlighters."



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,479. That is Peter Fawcett, my Lord, page 1178. It is alleged that you called out; I think the words were, "Cheers for the Kerry prisoners." Is that true?—No; what I said was, "Three cheers for a fair trial for the Kerry prisoners."

90,480. Now, I think, it was said by Fawcett that a Mr. O'Brien who is now, I believe, the mayor of Cork——?—He has been mayor for two years in succession.

90,481. That he got on the car with you, and that he saw (he said) Mr. O'Brien put his hand on the reins of the car and stop the horse?—He said I did.

90,482. Yes, you are quite right—you stopped the horse quite convenient to where Mr. Hunt, one of the jurors lived?—Yes.

90,483. Is there any truth in that suggestion?—Yes, I did put my hand out and seized the reins of the horse, and I stopped the car.

90,484. For what purpose?—He swears that I took up Mr. O'Brien, but he suppresses the fact that this was the point at which I took up Mr. O'Brien, and he suggests that I stopped for the purpose of intimidating Mr. Hunt, a man I did not know.

90,485. Did you know Mr. Hunt, at all, personally?—I did not know him at all.

90,486. Did you know where he lived?—I did not know where he lived. I did not know that he was a juror.

90,487. Then, as I understand, you did not know Hunt. You did not know that he was a juror, and you did not know where he lived?—No, I did not know then where he lived. But I have ascertained since this evidence that he lived quite adjacent to Mr. O'Brien, and the constable, as is their custom, suppressed the fact that I stopped for the purpose of taking up Mr. O'Brien, and he suggested that I stopped for the purpose of intimidating a man I did not know.

90,488. You picked up Mr. O'Brien, I understand, near his house?—Near his house, and near Mr. Hunt's house.

90,489. Which house you have since ascertained to be adjacent to Mr. Hunt's?—Adjacent to Mr. Hunt's, yes.

90,490. Did you know any of these special jurors who had been engaged upon that assize?—Not one.

90,491. You say that you did on this occasion allude to packed juries, and you said "Down with packed juries"?—Yes.

90,492. Let me understand. Was it notorious that juries were being packed at this time?—Yes; it was a matter of notoriety and a matter of very great and very keen regret to all Cork men.

90,493. And rightly or wrongly (if it is not for us to say which is right and which is wrong) was there very widespread indignation amongst the people at this packing of the juries?—All over Munster.

90,494. And you shared that indignation?—I shared that indignation, and I was made to feel it on the part of other people. Everywhere that I travelled on my business, men accused me of belonging to a city where people were so easily convicted by packed juries; where, in fact, innocent men were being convicted and sent to the gallows and to prison day after day by juries packed in the most flagrant and the most shameful manner.

90,495. Just to return to this incident of the 29th of November. How many times altogether, do you remember, did you stop on your journey from the station to your house?—Only twice.

90,496. Once, as you have told us, to pick up Mr. O'Brien adjacent to his house?—From the station?

90,497. Yes. I do not mean a temporary stoppage in the street, but a formal stopping of the car for any purpose?—The constable swore I stopped in Patrick Street, opposite the houses of these special jurors, where I stopped only twice, and he mentioned the only two occasions on which I did stop; that was once at the "Cork Examiner" to pick up a reporter, and once at Mr. O'Brien's to pick up Mr. O'Brien.

90,498. Fawcett says, I notice, that you stopped the car opposite the houses of two men who had been jurors on previous trials. That I understand you to deny?—Well, you see, it would be impossible for me to stop at all without stopping near the house of some juror, because they all lived there. If I stopped for any purpose I would stop opposite the house of a juror.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,499. But, as I understand, you state to me that you did not stop by design adjacent to the house of any juror?—Certainly not; I did not know them.

90,500. I think I have covered the ground of that incident. There is another matter to which I wish to refer you?—Well, I could have had no sympathy with Moonlighters. I could have had no reason for shielding them from justice. I have denounced it.

90,501. You had no sympathy with them, as you have told me?—None whatever; but I felt very indignant that the Crown should be bringing these prisoners to Cork year after year, and particularly after the sad event of Poff and Barrett having been hung, according to the opinion of most people, innocently,—of every person who was from the district innocently, and despite their own dying declarations that they were innocent of the charge which was made against them.

90,502. I think you knew the Curtin family?—Yes.

90,503. How long before Mr. John Curtin's murder had you known the family?—Some years.

90,504. After that outrage did you go and visit the Curtin family?—At the time of the outrage I did—immediately after.

90,505. Do you remember how soon after?—On the day that it became known. Immediately that it became known in Cork by a special edition of the newspapers, I took the next train to Kerry, and went down to his family to sympathise with them, and to do what I could.

90,506. When you got there did you see any members of the family?—I saw them all. I lived in the house until the following Monday.

90,507. Did you say anything publicly to the people on that occasion of your visit?—No; I went to the church for the purpose of speaking to the people, but they were disinclined to listen to me. They were angry—the people were.

90,508. And upon that I believe you went off specially to Dublin to bring the matter before the Central Branch?—Yes, I went up to Dublin when the people of Kerry would not listen to me. I was determined to have a platform somewhere to denounce this outrage and the practice of moonlighting generally.

90,509. You did not make a speech, I believe, on the 8th December 1885 at a meeting of the National League in Dublin?—Yes, at the Central Branch.

90,510. I have an extract here. What is that taken from?—That is taken from a publication by Mr. T. D. Sullivan of extracts from newspapers containing our speeches.

(Mr. Lockwood.) Does your Lordship remember the book?

(The President.) Yes.

(Mr. Lockwood.) It would come under the heading “Mr. John O'Connor.”

90,511. At a meeting of the National League in Dublin, December 8th, 1885 (after the Curtin outrage):—

“I have returned to-day from a sad and sorrowful scene. I have returned  
“from the house of an Irish patriot—a man of noble character—who was ever  
“true to the cause of Ireland (applause). Yesterday I aided and assisted the  
“people of his locality in burying the man who fell a victim, I will not say to a  
“foul conspiracy, but to the senseless practice that disgraces that part of the  
“country (applause). My grief and pain for the loss of my friend is increased  
“and intensified by the recollection of the consideration that there seems to be  
“one black spot in Ireland where the voice of our leader does not appear to have  
“penetrated (applause). I think it is not proper that we should allow the  
“Governmental and landlord sections the monopoly of condolence and sympathy  
“with that great and good man——

“family” is then put in. I suppose it is evident it must have referred to the family, because the poor man himself is dead?—Yes.

90,512.

“a man whose door was ever unbarred to give shelter and safety to those who,  
“in '48, pursued the felon's track (loud applause); and it becomes us, as Irish  
“Nationalists, to avail of this opportunity to tender to the family and relations  
“of that brave old man our heartfelt sympathy and condolence in their trial  
“(loud applause). It would ill become me if I did not avail of this opportunity  
“of expressing my personal sympathy with the family of Mr. Curtin, who fell a  
“victim to the practices I have referred to.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

"The Chairman, Mr. T. D. Sullivan, M.P., said that the remarks of Mr. O'Connor, regarding that unfortunate and most deplorable tragedy in Kerry, had all their fullest sympathy . . . . . There seemed to be some evil notion or fancy prevailing in a little spot in the county referred to, one of the deplorable results of which had been the loss of a valuable life. He hoped that one of the results of this sad and mournful transaction would be that it would put an end to the practice of moonlighting in county Kerry. It was a senseless, base, and cowardly practice."

Do you thoroughly endorse and agree with those observations of Mr. Sullivan?—Yes.

90,513. When were you sent to prison next after you came out in June 1882?—I was sent to prison in May 1883.

90,514. What was that for?—That was for declining to swear before a secret inquiry.

90,515. Where?—At Cork.

90,516. Under which Act was that?—Under the Act of 1882.

90,517. How long were you in prison then?—Two weeks in succession.

90,518. You got a week a time, do you mean?—Each time, yes.

90,519. When next were you in prison?—Not since until lately, until the present time.

90,520. When were you sent to prison this time?—About the end of April or the 1st May.

90,521. For how long?—Four months.

99,522. That sentence is still running?—Yes, there are about 10 weeks expired.

(*Mr. Lockwood.*) Now, my Lords, I have got here, of course, a large number, or, a good many speeches of Mr. O'Connor's which he has delivered, and in respect of which complaint has been made in this inquiry. Of course, I can go over the whole of those now, my learned friend can follow me, then I will go all over them again in re-examination. What appears to me the more convenient course is, to leave my learned friend to deal with those speeches, and to give your Lordships, instead of three editions, only two.

(*The President.*) I think that is quite fair.

(*The Witness.*) There is Tim Hurley, are you going to him? I am accused of having intimidated juries in regard to Tim Hurley.

90,523. (*Mr. Lockwood.*) You are quite right to refer to the 'Tim Hurley incident, if you can assist me. Do you remember who the witness was who referred to the Hurley incident, or was it only in the speech?—A man named Agnew.

90,524. Charles Agnew?—A Government reporter, Charles Agnew.

(*Mr. Lockwood.*) My note with regard to that is, "Charles Agnew, page 1180," and I think this speech was not produced.

(*Mr. Justice A. L. Smith.*) No.

(*The Witness.*) No, he did not produce it.

(*Mr. Lockwood.*) He says he was present at a speech made by Mr. O'Connor on 1st December 1886.

"Have you got that speech?—I have not got it with me," and that was not put in.

(*The Witness.*) A portion of that speech has been referred to by the Attorney-General in his opening statement, and I have been very much misrepresented over the matter.

90,525. Did you express any sympathy whatever with the charges that were made against Hurley;—No; he was charged with having dynamite in his possession, and it was sought by reference to Tim Hurley to implicate me, or to make it appear to the court that I had sympathy with persons who were engaged in dynamite transactions.

90,526. Hurley, as a matter of fact, was acquitted, I believe?—He was acquitted.

90,527. Is it true that you had any sympathy whatever with any such policy as that of dynamite?—It is not true; I have denounced it publicly. You have an extract from one of my speeches there.

90,528. Where is this extract taken from?—It was taken from the "Cork Herald."

90,529. Do you remember the date?—Some time in 1884.

90,530. Later than that, I think?—That extract is taken from the same book, T. D. Sullivan's; it is copied from the "Cork Examiner."



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,531. This extract is; you are quite right. This, my Lords, is also an extract, it is upon the question of this suggested approval of Mr. John O'Connor in dynamite policy. I call your Lordships' attention to the extract which I am told appears in T. D. Sullivan's book of extracts of speeches. You have a copy of it.

(*The President.*) He made a collection of speeches which he said were denunciatory of dynamite.

90,532. (*Mr. Lockwood.*) Yes, my Lord, the speech was delivered on the 1st June 1884, near Killavullen?—Killavullen, county Cork.

(*The President.*) It has not been referred to as far as I am aware.

(*Mr. Lockwood.*) No, it has not.

(*The Witness.*) But it has been suggested that I had a sympathy with the dynamite policy.

(*The President.*) I am not referring to that, but we are on the track of a speech in June 1884.

90,533. (*Mr. Lockwood.*)—

“His friend, Mr. Murphy, had referred to the dynamite affair in London. Well, he did not think it was any business of theirs. They had nothing to do with the outrages. Outrages had been injurious to their cause. The men of the Phoenix Park had taken the trumps out of Mr. Parnell's hand, and now the dynamitards would spoil his game (hear, hear). We are concerned this far, however. The ‘Times’ newspaper says that the late explosions were because the amendments to the Labourers Act were not carried. Well, no matter how we may feel aggrieved at it, we do not believe it would justify us in adopting a system of warfare in which the innocent and the guilty are involved in one common slaughter. (Hear, hear.) He believed the Irish were a martial race, and at all times in their history Christian soldiers, and he believed it was the custom in Christian warfare to give notice to non-combatants, and he hoped his fellow-countrymen would see that no amount of exasperation should lead them away from the path of honour, no more than from the path of duty.”

That is the speech that you made?—Yes.

90,534. With regard to the Hurley incident, forgive me for not alluding to that now, because there is no speech in, at present, with respect to that.

(*Sir Henry James.*) It is not a speech, if my learned friend will allow me to say so; it was suggested in the Attorney-General's speech, at page 273. It is not a speech, it is the same incident as that mentioned at the railway station two days afterwards. “He shouted out,” was the term of the Attorney-General.

(*The President.*) I have my abstract, and that says, “Hurley charged with having dynamite;” there seems to have been nothing more.

(*Mr. Lockwood.*) Yes, that was the charge against Hurley, my Lord. Agnew was called to prove that part of the case. I will deal with it at once. Agnew was here to prove it. Agnew said he had not got his note, and therefore there was no evidence in support of it.

(*The President.*) So it stands.

(*The Witness.*) And I consider it is a grievance that Mr. Agnew was not made to produce my speech.

(*The President.*) Mr. Lockwood reserved his cross-examination until the speech was produced.

(*Mr. Lockwood.*) And it never came.

(*The Witness.*) And it never will come.

90,535. (*Mr. Lockwood.*) I do not suppose it will now, Mr. O'Connor. You have given me a short extract of the speech that you say was made by yourself. Did you make a speech and allude——?—The Attorney-General quoted a portion of my speech, and I think it was very unjust that he did not quote it all, and I have furnished you with the balance.

90,536. Can you tell me where that speech was reported?—It was reported in one of the Cork papers.

90,537. Which paper, do you remember?—The “Cork Herald.”

90,538. The date?—It would be early in November or December—just before the winter assizes; I can tell you the date if it is important.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

(*The President.*) At what page of Mr. Sullivan's book is that speech?

(*Mr. Lockwood.*) I have only got an extract from it here.

(*The Witness.*) The last page of his book—it is the very last extract; December 1st is the date of it, the paper is dated the 2nd December.

(*Mr. Lockwood.*) None of my learned friends happen to have the book.

(*The President.*) Mr. O'Connor says it is on the last page.

[A copy of the book was handed to Mr. Lockwood.]

(*Mr. Lockwood.*) Yes, my Lord; it is absolutely the last entry on page 69.

90,539. (*Mr. O'Connor.*) I asked you some questions as to the moneys received by you and distributed in connexion with the League. Do you remember making some payments to a man called Robert Walsh?—No, I think the money alluded to in that connexion was disbursed while I was in prison.

90,540. Who is Robert Walsh?—He was a merchant in Cork, he was a member of the Land League, and of the National League; he was secretary in succession to me in 1881.

90,541. Was that after you were apprehended?—After my apprehension.

90,542. And his name is Robert Walsh?—Robert Walsh.

90,543. Was that the only person of the name of Walsh that you had any monetary transactions with in connexion with the Land League?—Not with the Land League, he had nothing to do with money before my arrest in 1881. I think it would be after my arrest.

90,544. When you came out?—Well, when I came out we had monetary transactions, he aided me in discharging these liabilities that you alluded to a while ago.

90,545. I merely want to identify the Mr. Walsh whose name has been mentioned in connexion with Mr. John O'Connor as Mr. Robert Walsh?—If you bring to my mind any particular payments.

90,546. No, it was only for this particular purpose I asked you that question. Now, I put to you this general question, I have asked you it indeed in regard to your connexion with the Land League, and also your connexion with the National League; is it true to suggest that you have at all lent countenance to the commission of crime, or encouraged or abetted outrage?—I never have.

90,547. On the contrary, as you have told me, you have denounced it?—I have denounced it at all times.

90,548. And did you regard it as being the enemy of the organisation with which you were connected, and with the policy which you adopted?—Quite so. I have always thought it retarded the advancement of our cause.

Examined by Mr. MICHAEL DAVITT.

90,549. You have said, in reply to Mr. Lockwood, that you denounced dynamite in one speech?—In one speech, I have.

90,550. What was that *apropos* of?—It was *apropos* of explosions that occurred in London, and they were referred to by the speaker who addressed the meeting before I did.

90,551. Do you remember ever being called upon in Cork by one James Macdermott?—Yes.

90,552. When was that?—I forget the year; it was the year that men were arrested for having dynamite in their possession at Liverpool, a man named Deasy, and some other men.

90,553. Did he represent himself to you as a correspondent of a Brooklyn paper?—He represented himself to me——

(*The President.*) What is this to prove, Mr. Davitt? I mean a conversation with Macdermott would not be admissible in evidence unless I saw what was intended.

(*Mr. Michael Davitt.*) The name has been frequently referred to, chiefly by myself, and put to the witnesses. I do not suppose I would be allowed to say what my allegation against Macdermott is.

(*The President.*) No.

(*Mr. Michael Davitt.*) Then I want to get information of a matter of fact within the knowledge of the witness.

(*The President.*) A conversation with some one or other.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,554. (*Mr. Michael Davitt.*) I do not want the conversation, I only want the fact that a conversation did take place. I am not going to ask the prisoner.—Quite right.

90,555. I did not mean that. I am not going to ask the witness anything about the conversation. Do not tell us anything of what transpired, had you a conversation with this man Macdermott?—I had many.

90,556. I want a simple answer to this question; did he talk dynamite to you?—Very much.

90,557. (*The President.*) That is rather a compendious statement of his conversation?—He was always talking dynamite.

90,558. Was there a dynamite conspiracy in Cork afterwards?—During his presence in Cork there was a dynamite conspiracy discovered and exploded.

90,559. Men were tried, and sent to penal servitude in consequence of that dynamite conspiracy?—Yes.

90,560. Can you give any of their names?—I know Deasy, he died in prison, that was the name of one man, and Featherstone was another. I think there was a third man, I forget his name.

90,561. Did you learn afterwards that this Macdermott was arrested in Liverpool?—Yes, I saw that in the paper.

90,562. Did you ever learn that he was sent to penal servitude?—Never.

90,563. Then you do not know where he is now?—I do not know.

90,564. From anything you know to the contrary he may be in the service of the Government?—I strongly suspect he has been for many a year.

(*Sir H. James.*) Well, my Lord, I do not think we can have this.

(*The President.*) I must check this.

90,565. (*Mr. Michael Davitt.*) One other question about another individual; have you at any time been called upon by one James Ellis French?—I have met him by appointment.

90,566. Who was he?—He was chief of the Criminal Investigation Department in Dublin Castle.

90,567. Did you meet him before or after he was sent to prison?—After he was released, at his own request.

90,568. Another question upon a matter of fact, did you know that there was a conspiracy got up against you in Cork?—Yes, I knew that.

90,569. Did you also know of your own knowledge that there was a conspiracy in Cork to murder Judge Barry?—Yes, I knew that, and that I was to be charged with it.

Cross-examined by Mr. ATKINSON.

90,570. I think you said you became a member of the Fenian Brotherhood in 1866?—Yes.

90,571. Were you sworn?—I was.

90,572. What oath did you take?—The ordinary Fenian oath.

90,573. Excuse me for not being so well acquainted with it apparently as you are, what was it?—I swore true allegiance to the Irish Republic virtually established, to take up arms at a moment's warning, and to obey my superior officers.

90,574. Who administered the oath to you?—A young man who has passed out of my life, and out of Irish life for many a year.

90,575. Has that man's name turned up in any way in this inquiry?—No, I have not met him for 20 years.

90,576. But has his name been mentioned in this inquiry at all?—No, I think not at all; he was not known.

90,577. When you were sworn in did you continue a member of the body, at all events up to 1879?—I was an active member up to 1880. I had not formally severed my connexion with the body until 1880.

90,578. I will come to that presently. Was the Fenian body in Cork very considerable in extent?—Well, sometimes it was considerable; I do not think it was very considerable in extent.

90,579. Was it mainly confined to the population of the city?—Altogether—nearly altogether.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,580. The rural population had not joined it at all?—Oh, yes, it had at various times; sometimes the circumstances would be flourishing, and sometimes they would be in a depressed condition.

90,581. In the rural districts?—In the rural districts.

90,582. Who composed the Fenians in the rural districts?—Young men.

90,583. The sons of farmers and farmers?—The sons of farmers and labourers.

90,584. Farm labourers?—Yes.

90,585. Had you a written constitution for the Cork district?—We had no written constitution for the Cork district especially.

90,586. Do you remember any other?—No.

90,587. Had you a council in Cork?—We had a directorate.

90,588. Then was there a general constitution for the entire Fenian body over the three kingdoms?—Yes, I saw one published, or rather a print.

90,589. And then was the organisation worked by centres in different districts?—Yes.

90,590. All under the control of the supreme council?—All under the control of the supreme council.

90,591. Can you give us a copy, or let us have a copy, of the constitution at all?—No, I could not; I have not seen it since 1868.

90,592. (*Sir Henry James.*) Since 1878?—I have not seen it since 1868 or 1870. I have not seen a copy of the constitution.

90,593. (*Mr. Atkinson.*) Who composed the Fenian body in the city of Cork principally?—Young men, clerks, labourers, and tradesmen.

90,594. Were you a member of the directory in Cork?—I was.

90,595. There was a raid in Cork in 1867, was there not?—A raid?

90,596. Yes, a Fenian raid, a Fenian rising?—A rising?

90,597. Yes?—Yes.

90,598. When do you say you joined the Land League movement?—1880.

90,599. At what period in 1880?—After the Cork election.

90,600. That would be in November 1880?—No, that would be very early.

90,601. In April 1880?—Very early in 1880.

90,602. Had you been at this time an active member of the Fenian body?—No, I was not an active member for perhaps six or twelve months.

90,603. Did you take any part in the distribution of arms?—At all times during my connexion.

90,604. Bringing them into Ireland?—Bringing them into Ireland.

90,605. Did that continue down to 1880?—Well, I do not think I had any active participation in the landing of arms up to 1880. I had no connexion with the immediate landing of arms up to 1880, but, of course, I had to do with the providing of moneys to bring the arms in.

90,606. Providing money to purchase the arms?—Providing money in organising the country.

90,607. And distributing the arms through the different parts of Ireland?—And distributing the arms through the different parts of Ireland.

90,608. Down to what time did this continue?—Until 1879.

90,609. Did it stop then?—It stopped then.

90,610. You are perfectly certain of that?—I am perfectly certain of that.

90,611. What was the last occasion in which you were concerned with the importation of arms, or the purchase of arms for importation?—Well, I never engaged in the purchase of arms myself.

90,612. But procured the funds for it?—I was always engaged up to 1879,

90,613. And you do not know the last consignment that was sent?—I do not.

90,614. Purchased by money that you supplied, or got supplied?—No, I do not.

90,615. Was Mr. J. J. Clancey associated with you in any of these ventures?—No.

90,616. Or Mr. James O'Connor of the "Irishman"?—No. I might as well tell you that I do not intend to admit who were associated with me in these Fenian transactions. I am bound to these people by an obligation which they accepted in good faith, and I am not going to betray them.

90,617. You will not swear that he was not associated with you?—I will not swear anything at all about it.

90,618. Did you know him?—Yes.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

- 90,619. James O'Connor of the "Irishman"?—I knew him perfectly well.
- 90,620. Was he living in Cork then?—No.
- 90,621. Did you know Mr. Walsh of Balla?—I knew him in connexion with the Land League movement.
- 90,622. And never before?—And never before.
- 90,623. Did you know whether he was at all connected with the Fenian movement?—I do not know for certain.
- 90,624. You do not know?—I do not know, not of my own knowledge.
- 90,625. But from any information you have acquired as a member of the association yourself, do you know whether he was or no?—I do not know.
- 90,626. Did you know Mr. O'Kelly?—Which Mr. O'Kelly?
- 90,627. J. J. O'Kelly?—I know him as a member of Parliament. I met him in Kilmainham prison for the first time.
- 90,628. Do you know whether he belonged to the Fenian Brotherhood or not?—I do not know, I am sure.
- 90,629. I mean, not only positive knowledge, but as a member of the society. Do you know whether he was a member or not?—I do not know. I have very little knowledge of the Fenian Brotherhood outside my own immediate neighbourhood.
- 90,630. In reference to these arms, what number of stand of arms were imported into Ireland during that time?—I could not tell you.
- 90,631. Can you approximate at all?—No.
- 90,632. What amount of money was expended in the purchase of them?—I did not spend the money directly; we sent it on to the supreme council.
- 90,633. How much did you send on?—I could not tell you.
- 90,634. How many hundreds or thousands of pounds?—I could not tell you.
- 90,635. Can you not approximate at all—whether it was 50*l.*, or 500*l.*, or 5,000*l.*?—I did not keep the account at all.
- 90,636. Even if it is the fact that you did not keep the account, do you not know that it was near 5,000*l.*, or 500*l.*, or 50*l.*?—I do not think it was 5,000*l.*
- 90,637. 500*l.*?—Well, I could not say how much it was; the organisation was very poor.
- 90,638. Amongst whom were the arms distributed?—Amongst the men who paid for them.
- 90,639. The farmers—the members of the body in the country and in the towns?—Any man who paid for a rifle got it.
- 90,640. Were there any distinctive marks upon the rifle?—None whatever.
- 90,641. No marks upon them?—None to distinguish them from any other rifles.
- 90,642. You have seen them?—I have repeatedly.
- 90,643. Were not they branded with the shamrock?—Never.
- 90,644. Was there any place where they were deposited in Cork?—A great many places.
- 90,645. Did you know a man of the name of O'Brien, a tailor in Cork?—I did know a man named O'Brien.
- 90,646. Was his house a store for arms?—I do not know; not to my knowledge.
- 90,647. I understood you to say the arms were distributed amongst the members of the body in the country and the towns; who paid for them?—Who paid for them?
- 90,648. That would be in the country, the farmers, the farmer's son, and labourers?—Yes.
- 90,649. And in the townland the artisans?—Artisans, clerks, and labourers.
- 90,650. Did you meet John Devoy when he arrived here from Ireland?—I have met John Devoy more than once, and I have met him in connexion with Fenianism, and as I have told you, I do not intend to admit anything in connexion with that body to you.
- 90,651. What time was it you met him first?—I met him first in 1874.
- 90,652. Had he been over in Ireland then?—It was not in Ireland, I met him at that time.
- 90,653. Where did you meet him?—I met him in America.
- 90,654. You had been out to America in 1874?—Yes, I was in America on a Fenian mission in 1874.
- 90,655. It was while you were there as a Fenian agent you met Mr. Devoy?—I met Mr. Devoy then, and that is all I am going to tell you.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,656. You told me already you were in a Fenian mission on 1874 to America?—Yes, I was sent there with a message at that time.

90,657. Was it in that capacity that you met Mr. Devoy?—That I cannot tell you.

90,658. Did not you say a few moments ago that it was in reference to Fenianism you met him?—I met him in connexion with Fenianism.

90,659. When in 1874. Was it in 1874 on this occasion of your visit?—I cannot tell you. I met Mr. Devoy then in connexion with Fenianism—I may have met him otherwise.

90,660. Do you decline to answer what was the purport of your interview with Devoy in 1874?—I do indeed.

90,661. Had you any communication with him from that time until 1879, when he arrived in Ireland?—I do not think I had any communication with him.

90,662. Are you certain?—I am not certain.

90,663. Are you able to say whether you were communicating with him in America during those intervening years?—I am not able to say just now; I may have had some letters—some letters may have passed between us.

90,664. Any money transactions between you?—None.

90,665. Or any arms remitted by him?—I do not remember—I would not know what arms he remitted unless he remitted them to me.

90,666. Are you able to say whether during this interval arms were not sent into Ireland through the instrumentality of Devoy?—I do not know—I know nothing about it by virtue of my position—those were head State transactions that I would know nothing about.

90,667. Do you believe that arms were sent in through Devoy's instrumentality?—I have no reason to believe it.

90,668. Are you able to form an opinion upon it?—I am not able to form an opinion.

90,669. Did you meet him at the end of 1878 or the beginning of 1879, when he arrived in Ireland?—I must decline to answer that question.

(*Mr. Atkinson.*) My Lords, I submit respectfully, we are entitled to prove this.

(*The President.*) Undoubtedly. I have explained several times. Of course, these excuses which are made in giving evidence are not for one moment tenable in a court of justice. If a man binds himself by an illegal oath not to give evidence, that, of course, is not to be recognised in a court of justice. My brothers and I have a delicate task to perform, and I do not propose at present to take those measures which are in my power. All I can do at present is, point out to this gentleman and to others who may be in the same position, that it must necessarily have an unfortunate influence upon our judgments when we find that at every point we are obstructed in the inquiry we are bound to pursue by these refusals to give evidence.

90,670. (*Mr. Atkinson.*) You have said, Mr. O'Connor, you were converted from Fenianism by the perusal of Devoy's letters and Davitt's speeches; therefore, I ask you, had you an interview with Devoy on his arrival in 1878 or the beginning of 1879? I have not asked you yet what transpired?—It is true I was influenced in my mind by Mr. Devoy's letters.

90,671. That is not what I asked you. Had you an interview with him on his arrival in 1878 or 1879?—I have told you that my interviews with Mr. Devoy were in connexion with Fenianism, and in that connexion I do not think that it would be honourable of me to give you any information whatever.

90,672. I have not asked for information. I only asked the question had you an interview with him in 1878 or 1879 on his arrival in Ireland?—Well, I do not intend to answer.

(*Sir Henry James.*) Would your Lordship forgive me for one moment. My friends and myself have been very anxious not to raise unnecessary conflict, but the relevancy of this is so marked. Mr. Davitt has stated that Devoy came to this country in 1878 or 1879 for the purpose of promoting the Land League.

(*Mr. Davitt.*) I beg your pardon. I did not say that. I said I met John Devoy.

(*Sir Henry James.*) That is our construction.

(*Mr. Davitt.*) Your construction is one thing, and my words are another.

90,673. (*Sir Henry James.*) The purpose for which John Devoy came to Ireland in 1878 or 1879 in our view is of the utmost importance to this case. The view that he came to support the Land League is one view; the view that he was in connexion with



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

Mr. O'Connor (who has frankly admitted his position as a Fenian) becomes very material. Therefore, though we are very anxious not to raise the conflict to which your Lordships have adverted, I feel the responsibility of the position, and I feel we ought to ask Mr. O'Connor to answer the question?—I was not aware Mr. Davitt had admitted that Mr. Devoy was here. I thought all the evidence as to Mr. Devoy's presence in Ireland was indirect. But if Mr. Davitt has admitted that he was here in 1878 and 1879 I have no hesitation in saying I met him then; and it was for an entirely different purpose from that stated by Sir Henry James; because he did his very best to detach me from the constitutional movement.

(Mr. Atkinson.) It is page 5654 Mr. Davitt was asked:—

“(Q.) Did you know at the time what John Devoy was here for?—(A.) Possibly I did.

“(Q.) What was it?—(A.) I have told you already I cannot answer without breach of honour.

“(Q.) If Devoy had stated it, either to you or at the time of his visit, what the object of his visit was, what breach of honour is there in your answering the question?—(A.) If John Devoy has stated it in his paper or in any of his writings, I suppose it must be true.

“(Q.) Do you not know perfectly well that John Devoy was over here for the purpose of enlisting the Irish Nationalists in your new movement?—(A.) That was possibly one of his objects in coming over.”

(Mr. Lockwood.) Possibly.

(Sir Henry James.) “Your new movement that was what was in your mind.”

(The President.) He says by implication he was here, but then he adds something.

90,674. (Mr. Atkinson.) Yes, he did. When was it you say he endeavoured to detach you?—Well, he did not encourage me to carry out the programme that he had put forward in his letters.

90,675. Then, according to that, Mr. Devoy was playing a double part?—I do not know; he may have altered his mind.

90,676. What was the date of this interview; did not it all occur on the occasion of his visit to Ireland in 1878 or the beginning of 1879; was not that the occasion?—You see I am not positive about the dates. I do not exactly know the dates. It was after he wrote the letters, and before the establishment of the National Land League that I met him.

90,677. Do you know the date of the letter is fixed as the 11th December 1878. It appeared as of that date in the “Freeman's Journal.” I am reading from page 5647, question 87,452.

“(Q.) Did not John Devoy become an advocate with you? He became a “Land Leaguer?—(A.) Certainly——”

Mr. Davitts evidence that is.

“(Q.) Did he not become an advocate with you in endeavouring to persuade other Nationalists to join in this movement?—(A.) Certainly.

“(Q.) On the ground that it would be a step towards the overthrow of the “English dominion?—(A.) Certainly.”

—That must have been later.

90,678. Do not you know that Devoy only paid one visit in 1878—the bottom of page 5646.—I call your attention to the speech in evidence speaking of this time—1878?—In 1873 my recollection is that he wrote those letters, and he also made speeches in America on what would be called the New Departure.

90,679. You were not in America then?—No, but I have read these speeches.

90,680. Kindly confine yourself to what occurred in Ireland when Mr. Devoy came over here. Had you read his letters—read those published letters of his, before he endeavoured to detach you or prevent you from joining the constitutional movement?—Well, I should not say that he prevented me from joining the constitutional movement because——

90,681. Sought to prevent you?—Because there was no constitutional movement in active operation at the time.

90,682. That is what I was going to ask you. I chose your own words?—He gave me no encouragement to carry out the programme put forward in his letter.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,683. Did he encourage you to carry out the old programme of the Fenian Society?  
—Well, I do not think that is material to the case at all.

90,684. You decline to answer?—I decline to answer that question.

90,685. To what date do you apply the observation that he did not encourage you to adopt the new programme?—The time that I met him.

90,686. Was not that in January 1878 or early in 1879?—It was between the publication of his letters and the establishment of the National League.

90,687. Have you any doubt about the date?—I have a doubt about the date, of course, as I tell you.

90,688. Have you any doubt about the year?—I do not know what year it was.

90,689. Have you no idea?—I have an idea if the letters were published in 1878, and if the National Land League were established in 1880.

90,690. In 1879?—In Cork in 1880. I have Cork in my mind—it must have been between these two periods.

90,691. As I understand from you, at the time that Mr. Devoy was publishing these letters in the Irish periodicals advocating the New Departure, he was using his influence with you—not to encourage you to adopt it?—I have not said that.

90,692. Is not that in effect what you have said?—It occurred to me when I met Mr. Devoy in Ireland that he had altered his mind about the New Departure. It occurred to me at the time. I remember distinctly.

90,693. In what did the alteration consist?—He intended us in his letters to take a part in the national life of the country in the open—to enter the municipal council, the poor law boards, the boards of guardians, and generally to take part in the national life of the country. Well, when I met him he did not encourage me to do that.

90,694. Did he encourage you to abstain from doing it?—No, he did not.

90,695. For what reason do you say it appeared to you that he had altered his mind?  
—Well, I had grounds for it.

90,696. What were they?—I cannot say.

90,697. (*The President.*) Do you mean by that—you refuse to say?—Yes, my Lord, it was in connexion with these Fenian organisation the grounds were, and had no reference whatever to the open movement.

(*The President.*) That is what we are entitled to form a judgment upon, not you.

90,698. (*Mr. Atkinson.*) Is your objection to answer, that it would tend to incriminate Devoy, or would disclose the secrets of the society?—It may possibly have reference to the Fenian organisation.

90,699. What is your objection? Is it an objection as to breach of secrecy, or is it that it would incriminate Devoy?—It is an objection to break my oath. It is a regard for the obligation which I respect, even though others may not respect it.

90,700. (*The President.*) Are you a Protestant or a Roman Catholic?—I am a Roman Catholic.

90,701. Do you mean to assert that your church justifies the refusal to give evidence on the ground that you have taken an oath to an illegal society?—Well, I have not studied the theology of the matter, my Lord.

90,702. Or the morality?—But I know what my code of honour is, and I intend to adhere to it.

90,703. (*Mr. Atkinson.*) Then in Devoy's published letters, do I understand you to say he asked the members of the Fenian body to abandon Fenianism?—I must trouble you to repeat that question.

90,704. Do you represent that Devoy, in the letters that were published in the Irish periodicals, sought to induce the members of the Fenian body to abandon Fenianism?—My recollection of his letters is not that. I do not think he asked us to abandon Fenianism, but he told us to come out of the rat-holes of conspiracy, which we did, a great many of us.

90,705. That is, that while you continued Fenianism, you should take part in public and municipal life at the same time; is that it?—I do not know whether he had that in his mind or not.

90,706. What idea did the letter convey to your mind—these letters of 1878?—It conveyed to my mind the idea that we should take part in the life of the country.

90,707. Without abandoning Fenianism?—I do not think he made that an indispensable condition.

90,708. That you should abandon it?—Yes.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,709. Did he ever make it a condition that you should abandon Fenianism?—I do not remember he did.

90,710. Up to that time the Fenians had abstained altogether from taking part in public life—parliamentary and municipal?—Yes, they had.

90,711. The letters which you allude to, are they not the ones that were published in the "Freeman's Journal"?—Quite so. It was there I read them.

90,712. January 1879 was the date they were published. 11th December 1878 is the actual date, at page 2773. Then that was Devoy's advice to induce them to take part in public life in Ireland without abandoning Fenian principles or preparation?—I have not said that.

90,713. Was it not in the published letters? Is not that the way it struck your mind?—I do not think I formed an opinion on that branch of the subject. I will admit this: If I took part in the public life of the country, in the municipal life of the country, I would not think it necessary to abandon Fenianism on that account.

90,714. Did not you in your direct examination say the Devoy letters were one of the things that converted you?—I said it was the first thing that affected my mind. The next thing was Mr. Davitt's speeches; and the third thing was Mr. Parnell's election.

90,715. If those letters affected your mind, surely you are able to say what idea it conveyed to you; was it not the idea that you should still remain a Fenian and take part in public life?—That may have been my idea at the time.

90,716. But was it?—My Lord, is not that sufficient?

90,717. (*The President.*) I think it is sufficient, because I think it is sufficient for us to draw an inference. We are not to be diverted from drawing an inference by these indirect answers?—I desire to give a direct answer, my Lord.

90,718. You have unfortunately put such a qualification?—Any question I shall answer I shall try and answer to the best of my power and ability. It is a long time since Devoy's letters were published; and what idea I formed about them at that time may have escaped me after the expiration of ten years.

90,729. (*Mr. Atkinson.*) Have you been in court and heard his letters read?—I have candidly admitted to the court the effect these letters had on my mind, and the effect the teaching of Mr. Michael Davitt had upon my mind, and the constitutional efforts of Mr. Parnell had on my mind; and I think it is unfair to me to say I have not been direct in my answers. With all respect to the court I have every desire to be direct in the answers I give. There are some things I cannot answer, and those I will state I cannot answer, but I intend honestly to answer the questions put to me—

90,720. Did you hear Devoy's letters read in court here?—There is no provocation about me whatsoever.

90,721. Did you hear the letter read?—What letter?

90,722. The letter of the 11th December 1878?—No, I did not.

90,723. Did you read it yourself recently?—I have not read it for ten years.

90,724. Had you ascertained whether Devoy was at the same time that he was writing these letters urging forward the movement of the Fenian body as well?—Did I know him to be urging the same? I did not know him to be. How could I know what a man was doing 2,000 miles away?

90,725. No; when he was in Ireland, in 1879 and 1880, at the time these letters were being published, at the end of 1878, and the beginning of 1879, while he was in Ireland, and publishing these letters, was he not at the same time forwarding the Fenian movement?—How did I know? It was a long time after I saw him in Ireland.

90,726. How long after?—I told you it was some time between the publication of the letters and the establishment of the League.

90,727. That is only a year altogether. During the time he was in Ireland here, did you not ascertain that he was forwarding the same Fenian movement?—Well, I have told you before that I cannot answer any question you put to me with regard to his connexion with the Fenian movement.

90,728. Or the action that he was engaged in?—Or the action that he was engaged in, where I met him honourably under an obligation, that I will continue to respect, no matter what may happen.

90,729. Had you more interviews with him than one?—At that time? I had.

90,730. How many interviews had you with him?—Two, I think.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,731. Could you tell about the date of the first?—I could not tell you the date.

90,732. At what interval?—I had no interest in keeping these dates.

90,733. What interval elapsed between the first and second interview?—Only a short interval.

90,734. Where did they take place?—In Cork city.

90,735. Did both interviews take place in Cork city?—Both.

90,736. What date do you say you joined the League?—The League? About a fortnight, I think, or some few weeks after Mr. Parnell's election for Cork.

90,737. Did you abandon Fenianism when you joined the League?—I did. I had practically abandoned Fenianism when I joined the League—a short time before.

90,738. Did you cease to be a member?—I dropped out of the Society then.

90,739. Did you endeavour to get members of the Fenian body to join the League?—I did.

90,740. Do you represent that you made it a condition that they should abandon Fenianism before they joined the League?—No, I did not make that a condition. I tried to attract them to our movement by showing them that our movement was superior, and more likely to be successful.

90,741. That is again the same thing the Fenians had in view by a different means?—You cannot say it would be the same thing, because constitutional agitators are quite ready to accept an arrangement between the two countries whereby the people of Ireland can make laws for themselves, while a Fenian will be satisfied with nothing short of the establishment of an Irish republic.

90,742. Now I will have to ask you about your speeches presently. I ask you whether that letter you first mentioned was ever mentioned until after November 1885. At the time when you first inaugurated the League, did not you solicit the Fenians to join the society, because it attained the same end by different means?—I do not remember that I ever did, and I never solicited a Fenian to join the society. I probably tried in conversation to influence my old leaders.

90,743. Let me call your attention to this speech in 1880 at Bantry. Did you make a speech at Bantry?—I tried to make a speech there.

90,744. Were you interrupted?—I was interrupted by the chairman.

90,745. That is by Canon Shinkwin, who has been examined here?—That is by Canon Shinkwin, who has been examined.

90,746. Had Canon Shinkwin (it is page 77 of the speeches) made some reference to revolutionary forces?—Yes, he had; he had indulged in a denunciation of revolution and revolutionary methods, which I considered to be altogether uncalled for.

90,747. You were converted at this time, were you not?—I was a converted Fenian; but at the same time I was anxiously desirous to establish branches of the League all over the county, and as Canon Shinkwin had delivered his speech, I was very anxious—

90,748. Why?—Because there were many Fenians who were not so well affected towards the constitutional movement as I was, and they were disposed to give us trouble, and I had to placate them. My speech, I intended, should. And I have always been very sorry that Canon Shinkwin did not allow me to complete my speech. I do not think he would have had any reason to complain.

90,749. As to that, I will call your attention to presently. You said;

“Now, I will not detain you at any great length as the speeches have been numerous and the time is growing late, but I will take the liberty of referring to one remark which the reverend Father Murray made use of. He referred to a class of people in this country who are not interfering with us.”?

Quite so.

90,750. That is the two movements were going on side by side?—Well, they looked upon us with a sort of jealousy. They were jealous of our movement.

90,751. They were not interfering with you?—They were not interfering, but it would be very easy at that time to provoke them into interference, and Canon Shinkwin's speech was very likely to do so.

90,752. “He called upon you to denounce all revolutionary measures. I would not fulfil my duty to that party for which I have respect”?—Quite so.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,753. —

If I did not say that revolution.

You were there interrupted?—Yes, and what I intended saying was revolution was sometimes necessary, and sometimes justifiable. I had intended to allude to the fact that the English people perfected their constitution by an act of revolution, and that the American people established their independence by an act of revolution. I had intended to conclude my speech —

90,754. But I have not asked you that?—But I think I ought to be allowed to explain.

90,755. I do not know about that?—I intended to point out to my hearers——

(*Mr. Atkinson.*) I do not think that is an answer.

(*The President.*) I do not think it would be right for me to prevent his stating the object.

(*Mr. Justice A. L. Smith.*) What is the date of that?

90,756. (*Mr. Atkinson.*) The date is the 17th of October 1880?—I intended to point out to my hearers that there was no necessity for our engaging in revolutionary measures any further; that we had hit upon a better plan, and I was not allowed to make that speech.

90,757. Is not that exactly what I said a few moments ago, that you would obtain Fenian ends by a different method?—I did not say Fenian ends.

90,758. Is not that what it means?—I think if you take all my speeches it does not mean that I was not allowed to say it.

90,759. You proceed to say—

“In deference to the opinion of your parish priest I will not say anything further, except to express my regret that words I had not intended to use were called for.”

—“Words I had intended to use,” I think, would be sense.

90,760. Yes, I think so. Do you remember the time that Mr. Parnell returned from America in March 1880?—Yes, I remember his arrival at Cork.

90,761. Up to that time had the Fenian's in Cork been hostile to him?—No, we had not been hostile to Mr. Parnell.

90,762. Had you co-operated with him?—I cannot say that we had co-operated with him.

90,763. Had not there been a public demonstration against him?—I do not remember.

90,764. Before he left for America had not there been a demonstration of the Fenian body against him?—I do not remember. I do not think there was. I would remember anything of the kind, I think, if it occurred.

90,765. On his return was an address presented to him?—Yes, there was an address presented to him.

90,766. Were you party to getting up that address?—I do not remember. I may have been. I do not think I was.

90,767. You saw the address published, doubtless after?—I saw the address published; indeed I think I saw it presented. I am not sure.

90,768. In the “Cork Herald”?—Yes.

90,769. Were you present at the presentation?—I am not sure. I do not think I was. If I were I would remember it.

90,770. But it emanated from the body to which you then belonged, March 1880, did it not?—Ah, but I said I had practically ceased to be a Fenian before that date.

90,771. We will see that presently. You had not formally severed your connexion with the body?—I had not formally severed my connexion.

90,772. Reflect for a moment. Are you not quite certain you were present on the occasion of the presentation of this address?—Probably I was.

90,773. And at all events you saw it published?—I saw it published.

90,774. As far as you know did it express the feelings of the Nationalists of Cork at the time?—I do not remember the terms of it.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,775. I will read it to you from the "Cork Herald" of 22nd March 1880, page 2, column 5 :—

"Dear sir,—Upon this your return to your native country, fresh from the noble mission you have undertaken, we, the Nationalists of this great county and city of Cork, hasten to greet you and offer the cordial welcome of not ungrateful hearts. . . . We cannot deny our applause to any representative or body of representatives who honestly and courageously strive to improve the condition of our people. But while saying this we must take the opportunity to express our clear conviction of the hopelessness of looking for justice to Ireland from the English Parliament, and the firm belief of the intelligent manhood of the country that it is utterly futile to seek for any practical national good through the means of Parliamentary representation. Impelled by such convictions the Nationalists of the country have determined that, as a political party, they will take no part in the coming elections, and consequently no part in the adoption, rejection, or support of the Parliamentary candidates. It shall be their duty to watch the course of events, and also to remind Irishmen that in themselves, in their virtue, and in their own courage in their perseverance in the practical work lies the best hope for the prospects and the regeneration of Ireland."

That is the practical work of the Fenian organisation, is it not?—Yes, I should think so.

90,776. The names signed to that are R. Cronin, P. J. Murphy, P. F. Murphy, Fair Hill, J. F. Canty, T. Christy, and P. N. FitzGerald. You were acquainted with P. N. FitzGerald, were you not?—Yes.

90,777. He was a Nationalist, was he not?—Yes.

90,778. Speaking at that period would not "Nationalist" mean "Fenian"?—Well, not necessarily. There is many a man a Nationalist outside the ranks of the Fenian Brotherhood.

90,779. You know those gentlemen whose names are signed to this address, do not you?—I know them, yes.

90,780. What do these words imply, "Impelled by such convictions, the Nationalists of the country." Does not that mean the Fenians?—Not necessarily.

90,781. But in this connexion; in this address?—Well, I think it would speak for men of extreme Nationalist opinions, both Fenians and others, because many a man outside the Fenian organisation held extreme views.

90,782. Yes, no doubt. "The Nationalists of the country have determined that, as a political party, they will take no part in the coming elections." Did not that mean the Fenian party as a political party?—Yes, but I think the Fenians always in speaking like that affected at all events to represent a vast body of public opinion that was not enrolled in their ranks.

90,783. Yes, I understand you; but do those words "the Nationalists of the country" not mean the Fenian body in this address?—Well, men of Fenian proclivities and opinions.

90,784. Was not R. Cronin a Fenian?—I do not think you ought to ask me that question.

90,785. Were not every one of those signatories Fenians?—I think they would represent Fenian opinion.

90,786. Do you mean to say these men who published their own names, the signatories to this address, were not all Fenians—members of the Fenian body?—I am not going to say they were.

90,787. Will you say they were not?—No.

90,788. Then we will draw our own conclusions.

(Mr. Lockwood.) I do not know how far Mr. O'Connor says he is aware of this.

90,789. (The Attorney-General.) He said he was present?—I did not say I was present.

90,790. (Mr. Atkinson.) Did you not say you thought you were present?—I heard there was an address presented to Mr. Parnell. I think it was at the railway station, but I was not present officially. I may have been one of the crowd, and I may have seen him.

90,791. But did you not say in answer to me some few minutes ago that you thought you were present?—I said I may have been. I saw the demonstration.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,792. That might apply to any man in the community?—I do not think I was present when the address was read; indeed, I have no recollection of its having been read.

90,793. Have you any doubt whatever that that address emanated from the Fenian body in the city of Cork, and expressed their opinions?—I have no reason to think that it was. I was not acting with Fenians at the time.

90,794. No reason to think that it emanated from them?—No reason whatever, except that I think these names would represent Fenian opinion at the time.

90,795. Do I understand you to say that you cannot form an opinion now whether that address emanated from the Fenians of the city of Cork?—You want me to say what I do not know.

90,796. No, I do not?—I tell you I do not know, I had no means of knowing. I had practically ceased to be a Fenian at the time; I told you that before.

90,797. You know an address was presented?—I know an address was presented, I heard it that day, and afterwards I saw it on the paper; but I was not present when the address was presented.

90,798. Do you know the men whose signatures it bears?—Yes.

90,799. You knew who they were?—I know them very well.

90,800. And are you not able to form an opinion now as to whether that address emanated from the Fenian body?—I am not able to form an opinion, because how could I know. I had disassociated myself.

90,801. (*The President.*) You may not be able to form an opinion, but I cannot say I myself am in that position?—I say, my lord, that they would represent Fenian opinion at the time.

(*Mr. Lockwood.*) He has said that.

90,802. (*Mr. Atkinson.*) I thought he had declined to answer?—I have not declined to answer.

90,803. (*Mr. Lockwood.*) One moment. Forgive me. What he said when these names were put to him was this: I understood Mr. O'Connor to say that hearing those names he would take those names as representing Fenian opinion at that time?—Yes; and I want to say this, my lords, at once, that any question I can answer I will answer straightly. Any question, I think, I cannot answer I will say so; but I will not equivocate, and I will not be taken as equivocating in the least.

90,804. (*Mr. Atkinson.*) Do you decline to say whether those men are members of the Fenian body or no?—I had ceased to be connected with the Fenian body at the time. I had no reason for supposing they were members of the Fenian body. I have told you all I can tell you, and that is this, that those names would represent Fenian opinion at the time in my opinion. I have told you that three times. What is the use of pressing me any further about the matter.

90,805. Very well. About this time were a quantity of arms stolen from the ship "Juno," in Cork?—Yes, I remember that raid for arms.

90,806. About 40 cases of firearms, was it not, and 170 cases of cutlases?—I do not remember.

90,807. But a large number, at all events?—Yes, a large quantity were removed.

90,808. Was the action of the people, whoever took them, condemned by the Cork Land League?—I think one man or two men made speeches in condemnation of that raid.

90,809. Do you not remember whether a resolution was passed by the League in condemnation of it?—A resolution may have been passed; indeed, I think there was. That would bring it to my memory.

90,810. Was there not a subsequent meeting of the League, in which that resolution was rescinded?—Yes.

90,811. Did you not go and advocate the rescission of it?—I did.

90,812. In the interval between the two meetings of the Cork League, the one condemning the action of the raiders and the one rescinding the resolution condemning them, did the matter not come before the Dublin branch?—I am not aware; I do not remember.

90,813. Do not you remember at the second meeting at which you took part speaking on the question of the action of the Dublin branch?—I do not remember the speech I made on that occasion.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

(*Mr. Atkinson.*) The meeting reported in the "Cork Herald" of the 14th August 1880 was the meeting when this report came before the Cork Land League, and a resolution was passed condemning it. Then it apparently came before the Land League in Dublin, and was then discussed, and that is reported in the "Cork Herald" of the 19th August 1880 and in the "Freeman" of the 16th. Mr. Dillon apparently was in the chair. I am reading from the "Cork Herald" now of August 19th, 1880.

(*The President.*) This is what occurred in Dublin.

(*Mr. Atkinson.*) This is what occurred in Dublin upon the proceedings of the local branch :—

"At the meeting of the National Land League, Dublin, on Tuesday, Mr. Brennan said a branch of the Land League had been discussing matters that it ought to have left alone. They had seen by the "Freeman" of the previous day that the Cork branch of the Land League had taken up a matter that did not come under its province at all. It would be just as well if they would confine themselves for the future to the objects for which they were formed. They had no more to do with the subject they discussed than with the relative merits of the candidates for the Presidency of America.

"The chairman said he felt strongly with Mr. Brennan in this matter. The resolution passed by the Cork Land League was entirely without its sphere. It assumed a right to do what the Land League distinctly condemned and repudiated—namely, judging the case of men who did not belong to their body. They did not want to place themselves in antagonism with any other bodies in Ireland who were not placing themselves in antagonism with them, and the same liberty which they claimed for themselves they must be prepared to allow to others. He did not know whether it was desirable to pass any resolution on the subject or not, but he took the general sense of the meeting to be that they entirely disclaimed the resolution passed by the Cork Land League, and emphatically stated that it in no degree represented the feeling of that organisation.

90,814. Now, who were the body that they were to have placed themselves in antagonism with by condemning this?—The Fenian organisation, I suppose.

(*Mr. Lockwood.*) Your Lordship has not got the one of the 14th yet.

(*The President.*) No. If I had it, I should better understand. I should like to know what the terms of the resolution were.

(*Mr. Lockwood.*) Was the resolution the 14th or reported on the 14th?

(*Mr. Atkinson.*) The meeting was reported in the issue of the 14th. The chairman goes on to say :—

"The point at issue is that the disavowal was uncalled for."

(*Mr. Lockwood.*) We do not understand this a bit until we get the resolution. Their Lordship's had better have that first.

(*Mr. Atkinson.*) It is in the "Freeman" also of the 16th August 1880.

(*Mr. Lockwood.*) It is in the "Cork Herald" of Monday 16th.

90,815. (*Mr. Atkinson.*) It is headed—

#### THE EXTRAORDINARY SEIZURE OF ARMS.

From our Correspondent,  
"Freeman" Office.

Then the resolution is :—

"That we deeply regret that a robbery of useless old firearms has taken place, that we condemn lawlessness in any shape, and that we believe the occurrence in passage must have been effected by those who desire to see a renewal of the Coercion Acts inflicted upon this country, and who wish to give the Government good value for their secret service money."

That was the resolution. Mr. Cronin, who was the secretary of the League, spoke and said :

"That they had thought over this matter, and it appeared from information received through the public press and otherwise, that this affair had been carried out, not by any secret organisation, and not for any rebellious purpose, but simply for the purpose of crushing the Land League, and imparting some-



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

“ thing like a bad reputation to men who tried to improve and ameliorate the  
 “ condition of the tenant farmers of Ireland at present.

Mr. J. O'Brien, is he now member of Parliament?—No.

90,816. —

“ Seconded the resolution, and in doing so, observed that amongst the persons  
 “ upon whom the Government would try to throw the odium of stealing these  
 “ arms were many who had a great deal more common sense and talent than  
 “ would lead them to rob and carry away a few old rusty firearms.”

And he goes on and makes a speech in seconding the resolution. Then a Mr. C. P. O'Sullivan moved an amendment—

“ It was well known,”

he said,—

“ that he held National views, and he thought the greatest curse of this country  
 “ was that one organisation interfered with another. It was quite possible that  
 “ the men who participated in this act had as good intentions towards the  
 “ improvement of their country as they (the Land League) had that day. It was  
 “ quite possible that those men thought there were a good deal better weapons in  
 “ that vessel than there were, and he did not see why the Land League should  
 “ turn round and denounce their countrymen. He thought that ought to be the  
 “ work of the English Government, and of English spies.” —

Mr. O'Brien interrupts. There was some interruption, and then Mr. O'Sullivan proceeds. He says it was a question of opinion. Then he moved the amendment. The amendment was negatived, and the original resolution carried. Then that came before the Land League in Dublin (as reported in the “ Freeman ” of the 18th August and the “ Cork Herald ” of the 19th; it is the same report), and was condemned. Then there appears to have been a further meeting of the local branch of the Land League.

(Mr. Lockwood.) Before you leave the 19th, I think you should mention that there was an expression of opinion taking place on the subject, but I suppose without the passing of a resolution.

(Mr. Atkinson.) Yes, that is the Central Branch.

(Mr. Lockwood.) I thought you were passing from that.

(Mr. Atkinson.) The chairman, who was Mr. Dillon, said—

“ That perhaps the expression of opinion that had taken place on the subject  
 “ would suffice without the passing of any resolution.”

The expression of opinion is what I have already read.

(The President.) That they meddled in business which did not concern them?

(Mr. Atkinson.) Yes. There is more, my Lord, than that. That practically is what it comes to. Then, my Lord, the report of the proceedings of August 23rd, 1880, in the “ Cork Herald,” reports the meeting of the Cork League on the previous Saturday. Mr. C. P. O'Sullivan, who is the gentleman who had moved the amendment on the first occasion—

“ brought under their consideration the resolution condemning the June raid,  
 “ and suggested that it should be withdrawn.

“ O'Brien, Cronin, and Farrell (chairman), declared that they had passed the  
 “ resolution solely because they believed the raid to have been promoted out of  
 “ the secret service fund by the Government.

“ Heffernan, and John O'Connor supported O'Sullivan, and vigorously  
 “ denounced the conduct of the moderates.

“ O'Sullivan's motion rescinding the obnoxious resolution was carried  
 “ *nem. con.*, as O'Brien's amendment that the resolution should stand was not  
 “ seconded.”

(The Witness.) I suppose “ moderates ” is an expression for which the newspaper is responsible.

90,817. (Mr. Atkinson.) Did you speak upon that occasion?—Yes, I did, and I strongly denounced the interference, because at that time we were between the upper and the nether millstones.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

(*Mr. Lockwood.*) This is what some gentlemen who has read the "Cork Herald" thinks the "Cork Herald" meant. That is not the report in the "Cork Herald." It is a sort of précis of it.

(*The President.*) This is the point, that the resolution condemning this seizure was rescinded unanimously apparently—not quite unanimously. There was one man apparently who could not get a seconder.

(*Mr. Lockwood.*) I will look through these speeches and see if they are properly represented.

(*Mr. Atkinson.*) If you will allow me I will read the speeches.

(*Mr. Lockwood.*) I do not say the summary is not accurate. I thought you were reading the report itself.

90,818. (*Mr. Atkinson.*) Mr. Cronin spoke and said:—

"We wished simply to show how we were working. We wished to show what grounds we had taken, and in that spirit alone we came to the conclusion that this resolution would be one that would advance our cause. I say we were finally justified in passing the resolution, and I say further that we had no intention of interfering with whatever other people wish to do in carrying out their intentions; but as it has pleased some parties to take offence at our proceedings, I have not the smallest objection to withdraw that resolution, and let anyone who wishes then come forward and say he stole the arms.

"Mr. John O'Connor: I am really surprised at the argument of Mr. Cronin.

"Mr. Heffernan: Especially at the latter part of it.

"Mr. O'Connor: How any gentleman of Mr. Cronin's logical mind could come to such a conclusion I do not know. He ought to know very well that the present Government are engaged in an effort to show their opponents that they mean to rule this country without having recourse to those extreme measures which the Conservatives had in force for a length of time, and he ought to know that one of the ideas farthest from their course of conduct would be the employment of secret service money to get up a raid for arms. Therefore his entire argument in that respect is false. But it is not that alone I wish to speak of. I was not present this day week, but I carefully read the proceedings on the following Monday, and I was astonished that any number of sensible men could come together and spend their valuable time discussing two subjects, one of which was beneath their attention, and the other outside their province altogether. The first subject was a dispute with the "Cork Constitution," or at least about criticism of a local newspaper,"

Then you go on to say:—

"I am surprised that any number of gentle presuming to patriotism should care one jot for the criticisms of a hostile press. Such criticism was always considered the measure of patriotism, and we ought not to be afraid of it so long as we do our duty. Let them criticise as they please.

"Mr. O'Neill: But let them not misrepresent as they please.

"Mr. O'Connor: I have done with that matter. The next thing I wish to refer to is the uncalled-for, injudicious, and arrogant proceeding of some gentleman connected with the League, who proposed the resolution in reference to the Passage raid. I recognise the service that this League has done, but I fail to perceive either in that service or in the period of our existence anything to give them a right to criticise the actions of other people, as they did on this day week. I really was very sorry that I was not here, for if I had been here I should have protested against that resolution, and I sincerely hope that at all future times we will confine ourselves to our proper business. With these few remarks I beg to second the motion for expunging the resolution from our books. . . .

"Mr. Cronin claimed permission to say a few words of explanation. On the last day he had simply voted according to the dictates of his conscience, and he thought it was rather hard for Mr. O'Connor to make use of expressions describing his conduct as arrogant. Since the formation of the League he had done everything he possibly could to forward its objects, while Mr. O'Connor all that time was taken up with his own private interests,"



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

and so on. Was that resolution condemning the raid not rescinded because you ascertained in the meantime that the raid was a Fenian raid?—I suspected it was a Fenian raid, from the reports of the papers.

90,819. Was that not the reason why the resolution was rescinded condemning it?—Exactly so.

90,820. Because it was a Fenian raid?—Because it was a Fenian raid, and because we had to be very careful how we referred to Fenians and Fenianism. As I told you before, they were jealous of us. There were many of them hostile to us, and such resolutions as the one which was passed and afterwards rescinded was calculated to provoke that hostility. We were in the unfortunate position of being between the upper and nether millstones. We had the Government on top of us, and we had the Fenians operating against us underneath; and it was to avoid these collisions and this hostility that I tried to keep our movement clear from interference with them until we had affected their minds by other means.

[Adjourned for a short time.]

90,821. (*Mr. Atkinson.*) Mr. O'Connor, in September 1880, was there any project afoot to give Mr. Parnell a reception in Cork?—I have no distinct recollection, but I think we did have a reception at that time.

(*The President.*) What time?

(*Mr. Atkinson.*) September 1880, my Lord.

(*The Witness.*) I think we had a reception at that time in that year.

90,822. (*The President.*) A reception of whom?—A general reception.

90,823. (*Mr. Atkinson.*) A reception of Mr. Parnell in Cork. Had Mr. Parnell, do you know, been in Cork from the time he arrived there on his return from America in March 1880 up to this visit in September 1880 the same year?—Yes, I think he was there during the election.

90,824. When had the election begun?—About April, I think.

90,825. April 1880. Is there a Mr. Heffernan in Cork?—There was a Mr. Heffernan in Cork at that time, I think he is there still, sometimes.

90,826. Was he a prominent member of the Land League?—He was, very.

90,827. Do you remember seeing a report of a meeting of the Cork Land League, published in the "Cork Herald" of the 6th September 1880?—There were so many reports, I cannot think of a particular one.

90,828. But in reference to this contemplated demonstration in favour of Mr. Parnell?—Well, I do not remember.

90,829. Do you remember being present at a meeting of the Cork Land League, later on in the month of September, when the question of this demonstration was discussed?—No, I do not; so many things occurred, and events happened so very rapidly, that many of them have escaped my memory; and I always made it a habit when one incident was decided to pass on to the next business.

90,830. I just call your attention to a report of your own speech as reported in the "Cork Herald" of the 28th September 1880 (page 2, column 8). Mr. Timothy Harrington, a member of the Cork Land League, was there?—Yes, there was an old gentleman of that name a member of the Cork Land League.

90,831. Amongst the others were Mr. Buckley, who appears from the report to have asked: "Is the National party represented here?" and thereupon you spoke—

"I have a remarke to make, Mr. Chairman. I believe the National party finds its recruits in all trades and bodies, and if my words had any weight with the National party I would suggest that they would not appear as a body at all (hear, hear), because many men who are attached to the principles of that party could not then be with them, and, therefore, they would make themselves very small. The men who compose the National party, and who believe in its principles, will be scattered over the other bodies and organisations that will be represented at the procession (hear, hear). Of course, it is not for me to dictate to the National party, but I consider that it would be unwise for them on that occasion to show a weakness, because wherever the National party show as a body they should show great strength, and every man



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

“ should give them strength. (Hear, hear.) I, for one, consider myself a member  
 “ of the National party, and if I belonged to any of the trades I would be in great  
 “ doubt as to whether I would place myself under the banner of the trade or  
 “ under the banner of the National party. I do not know what is the reason why  
 “ the question has been started, but these are my opinions, and a little discussion  
 “ on the matter may not be out of place. I do not know the intention of the  
 “ National party in connexion with the matter. I really thought it was to be  
 “ neutral.”

In that speech of yours does the words “National party” mean “Fenian party”?—  
 I think it must have been the meeting of the trades.

90,832. Yes, a meeting of the trades?—For the purpose of balloting for places.

90,833. And not a meeting of the League?—And not a meeting of the League.

90,834. (*Mr. Lockwood.*) That is so by the heading:

“ The trades and Mr. Parnell’s visit. A further conference of all the repre-  
 “ sentatives of the trades of Cork and the members of the Land League was held  
 “ last night in the Carpenters’ Hall, George’s Street, to make arrangements for the  
 “ demonstration in honour of Mr. Parnell on Sunday next.”

—I think the speech is a very diplomatic one, because I did not want the Fenians to  
 appear as a body in our demonstration, and I was putting them off with the kindest  
 words I possibly could.

90,835. (*Mr. Atkinson.*) That is not what I was going to ask you. In this speech of  
 yours do not the words “National party” mean Fenian party?—As I explained before,  
 in the Fenian party there were a vast number of men outside the Fenian ranks who  
 were extreme Nationalists; every Nationalist was not a Fenian, I want you to under-  
 stand that.

90,835a. (*The President.*) I remember the explanation you gave. Subject to that  
 explanation, would that mean the Fenian party?—It would.

90,836. (*Mr. Atkinson.*) I observe that you state there on the 28th September 1880  
 that you considered yourself a member of it?—I considered myself a Nationalist outside  
 the ranks of the Fenians.

90,837. Had you formerly severed your connexion with the Fenians in any way at  
 that time?—No, not at all, I never did; there was never any formality about it; I  
 always continued on friendly relations with them because I was in hopes they would  
 follow me into the ranks of constitutional agitation.

90,838.

“ Mr. Walsh said that it had been stated that the National party would take  
 “ no part in the movement. But if they did not take part in it as a body they  
 “ would take part in it as individuals (hear, hear). They did not think of  
 “ Mr. Parnell as a parliamentary man, because no good would ever be got for  
 “ Ireland from Parliament. But they should remember that his words drove  
 “ enthusiasm into them, and that their hearts were stirred when they met together.  
 “ And when he saw a lot of Irishmen assembled there to-night, he might ask:  
 “ Were they always together? No, they were not. If they had arms in their  
 “ hands for the good of their country he would say unhesitatingly they would  
 “ not be together. . . . Mr. Walsh con-  
 “ tinued to say that if they had their freedom now they could take care of it,  
 “ though it was not taken care of before. Mr. Parnell himself said he was a  
 “ Nationalist, and why did they ask for Nationalists then? When they went to  
 “ meet him they went as Nationalists to meet a Nationalist.”

(*Mr. Lockwood.*) This gentleman was called to order.

90,838a. (*Mr. Atkinson.*) He was called to order apparently afterwards. Was there  
 another Mr. O'Connor there, do you remember?—I do not know, it may have referred  
 to me, I do not know.

90,839. (*Mr. Lockwood.*) After this gentleman had made the statement, two others  
 rose to call him to order, and then Mr. Walsh continued to say that if they had their  
 freedom now they would take care of it though it was not taken care of before. Then  
 it goes on as my learned friend read.

“ Mr. Parnell himself said he was a Nationalist, and why did they ask for  
 “ Nationalists then? When they went to meet him, they went as Nationalists to



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

“ meet a Nationalist. (Mr. O'Regan.) I would like to know what society or  
 “ trade the last speaker represents in this room. (Mr. O'Sullivan.) He is a  
 “ member of the Land League. (Mr. O'Regan.) He ought to be out of it.  
 “ (Laughter.) ”

Then I do not see that Mr. O'Connor spoke again.  
 (Mr. Atkinson.) Yes he does, I will read on.

“ Mr. O'Brien said they came there for practical work, and not to discuss  
 “ the political ideas of any individual (hear, hear). Mr. Harrington (mason)  
 “ then proposed, in accordance with the suggestion of Mr. O'Sullivan on the last  
 “ evening, that the first place in the procession should be given to the Working  
 “ Men's Association. Mr. Heffernan said he might mention that the following  
 “ members of Parliament would be present: Daly, Parnell, Finigan, T. D. Sullivan,  
 “ Sexton, O'Connor, and Dillon (cheers for Dillon). (Mr. O'Connor.) What do  
 “ we care about members of Parliament or parliamentary agitation.”

I ask you, was there another Mr. O'Connor that you remember?—I do not know.

90,840. Do you remember having used those words?—I may have used them.

90,841. Were they not addressed directly to the Fenians?—Addressed directly?

90,842. Yes, the men who did not care for Parliamentary agitation?—I think they were addressed to the trades you have said.

90,843. But who was the we. “ What do we care about parliamentary agitation.”  
 Who were the we. I should say the whole people.

90,844. And that was the time you were endeavouring to wean the people into constitutional agitation?—Well, we had work to do at home as well as in Parliament.

90,845. Do I understand that that was a direct appeal to the Fenians?—But you must not forget we were having the demonstration in support of Parliament and parliamentarians.

90,846. Was not it a direct appeal to the Fenian members present who did not believe in Parliament or parliamentary agitation?—I do not think it was. I think what we had to care about, if I remember rightly, at that time, was the success of the demonstration in favour of parliamentary agitation and parliamentary action.

(Mr. Lockwood.) I think you should have read this; you have missed it out there—probably you have not the extract. It is worthy of comment. I do not know whether there is anything further, Mr. O'Connor, there.

90,847. (The President.) He recognises the words?—I may have used these words.

90,848. (The President.) I am sorry to say “ I may have,” conveys the idea that he cannot deny he did.—I do not want to deny any word I uttered.

(The President.) I am only telling you the interpretation I put upon your answer.

90,849. (Mr. Lockwood.) If Mr. O'Connor adopted the words, it is not necessary for me to point out that at other places he has spoken he is put as Mr. John O'Connor—here it is Mr. O'Connor. It does not matter if he adopts these words, but what I fancy he is omitting is this:—

“ Mr. John O'Connor thought that Friday's meeting of the Corporation would  
 “ suffice for the object of the original resolution if notice was given to the  
 “ members of the Corporation by advertising in the local papers. In proposing  
 “ the amendment he begged to remark that he considered it a disgrace to the city  
 “ of Cork that their chief magistrate did not head the people of Cork when  
 “ Mr. Parnell returned from America after pleading the cause of the Irish in  
 “ the great Western Republic. There was no mistake in the world about the  
 “ feeling of the people of Cork on that occasion. The people of Cork were  
 “ grateful for this, and they went to meet Mr. Parnell, and he (Mr. O'Connor)  
 “ again repeated that it was a disgrace that the chief magistrate of the city was  
 “ not also there.”

—Is that my speech Mr. Lockwood?

90,850. (Mr. Lockwood.) Yes it is attributed to you?—What I have to say about that remark is this: At the trades meetings when balloting for places in a procession there was usually an angry discussion as to who should have priority, and somebody must have raised the point about parliamentary agitation and parliamentarians, and I may



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

have unwarily and hastily said in the moment, "What have we to do now with Parliament or parliamentarians; let us go on with the business in hand"—that is the connexion in which I used these words.

90,851. (*Mr. Atkinson.*) Was not the whole matter of controversy as to whether the Nationalists should support the meeting individually or as a body?—That bears the interpretation of my speech which I point out, that there should be no discussion of the kind, that we had met for the purpose of carrying out the demonstration, and that the policy of parliamentarians should be left over to another occasion. That is the reading of my remarks, and it is straining a point very much to try and put any other construction upon it.

90,852. (*The President.*) There is no necessity for you to make any observations about "straining." We want to get at the meaning, and we do not get at it by observations of that kind?—It is a great strain upon my memory, my Lord.

(*Mr. Lockwood.*) That is so, because it says here, the results of the balloting for places among the bootmakers, and stonecutters, and coachmakers, and so on.

90,853. (*Mr. Atkinson.*) Do you not remember that a Mr. Tarrant, a stonecutter, who was present, said that anybody who read it in that day's paper would find that the Nationalist party had given their members liberty to march with their trades or benefit societies in the procession?—No, I do not remember that.

90,854. Do you remember whether before that meeting there had not been some communication advertised in the papers as emanating from the Nationalists of Cork?—No, I do not remember.

90,855. In the paper of the preceding day—of the 27th?—I do not remember. We had a great many demonstrations.

90,856. Do you remember having seen this circular or advertisement—

"Local and district intelligence. The Nationalists and next Sunday's demonstration (*page 2, column 2*). It may not be imprudent that as individuals you would take part in the forthcoming demonstration to Mr. Parnell, but as a body to interfere, even in the remotest degree, would be a contravention of your clearly defined principles of nationality and might be construed as recognition of this constitutional agitation which those principles teach us is evil always."

(*Mr. Lockwood.*) "Level" always.

(*The President.*) What is the meaning of level?

(*Mr. Lockwood.*) That it does not go up and down hill.

(*The President.*) In this connexion, what is the meaning of it?

(*Mr. Lockwood.*) Eventful. I think I will take the sentence before—

"But as a body to interfere in the remotest degree would be a contravention of your clearly defined principles of nationality, which might be construed as a recognition of that constitutional agitation which those principles teach us is level always, and has been utterly impotent to forward the welfare of our country."

(*Mr. Atkinson.*) It cannot be level, I should think.

(*Mr. Lockwood.*) Well, here it is [*referring to the newspaper*]. Your Lordships will notice it is not only the letter L.

(*The President.*) Yes, I see that is the report.

(*Mr. Atkinson.*) Yes, this is the advertisement:—

"You are therefore at liberty to join with your trade societies, benefit societies, and other non-political associations with whom you may be connected in according to Mr. Parnell hearty respect and applause for his noble exertions to relieve the deep distress of our people and his honest endeavours to ameliorate the pitiable condition of our peasant population."

90,857. Do you not remember that that appeared on the preceding day, the 27th September?—No, I do not remember. If it did it must have given me great satisfaction and joy.

90,858. And then the meeting you took part in on the succeeding day was in reference to whether the National party would go as a body?—No, it was in reference to the place the trades would occupy in the procession.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,859. Now, some time after that was the Cork League reconstructed?—After that

90,860. Yes, reorganised?—I do not remember. There may have been an election of officers, an annual election of officers, perhaps. The first organisation of the Land League in Cork was a provisional organisation.

90,861. Was there not a demonstration held about the reorganisation of the League, at which Mr. Dillon attended, and you yourself spoke?—I do not remember it.

(Mr. Lockwood.) Give me the date.

(Mr. Atkinson.) It is reported in the "Cork Herald" of 11th of October 1880 (page 3, column 2).

(The Witness.) We had so many meetings I cannot remember them all.

90,862. Do you not remember a meeting where Mr. Dillon came down from Dublin, a meeting being called by a circular signed by Mr. Parnell?—I recollect Mr. Dillon coming to town.

90,863. Were you not present at the meeting and made a speech?—Very probably I was.

90,864. Is this the speech that Mr. Dillon made. He says at the end of it:—

"Now I think it right to point out, especially in this city, that those who say that this movement is antagonistic to any other movement which has the good of Ireland in view are misrepresenting our motives, and are treating us with the grossest injustice, and I venture to say that I am known to have the warmest sympathy with other movements that have the good of Ireland in view."

What other movement was there referred to?—I dare say he would have referred to the honest intentions of the Fenians.

90,865.

"This movement is purely a temporary movement. We all wish that it may come to an end, and that the Land League may cease to exist very soon. The sooner the cause ceases to exist the better I shall be pleased, because I don't like agitation at all myself. (Hear, hear.) But what has thrown me into this movement is the conviction that I do not see any practical way of effecting good for Ireland so long as the existence of the vast majority of the Irish people depends upon the whim and caprice of a small class (hear, hear), and that class, nine-tenths of them at least, English in sentiment, and apparently absolutely indifferent to the honour or prosperity of their own country (hear), and I cannot understand the feelings of the Nationalist Irishman who thinks that the cause of Ireland will be injured because we emancipated the masses of the Irish people from a position which might almost be described as serfdom, from living on the caprice of a few, and placed them in the position of free men (applause). All I can say is that if I thought that the Irish people were to be turned aside from the true path of Irish nationality by such action as that; if I believed that the Irish people, when placed in that position, were going to turn their backs on the feelings and sentiments of Irish nationality, I would turn an Englishman and be glad to forget my country (hear, hear), because I believe that the people who are only made national by being kept down and in slavery are a people that a man ought not to care to work for (hear, hear). I would wish to say just this one word in answer to those who accuse me, and men like me, of going in for agitation, that the work in which we are engaged is not agitation in the ordinary acceptance of the word, because I have always told the people at public meetings that those meetings amount to nothing."

(The President.) Whose speech is that?

(Mr. Atkinson.) This is Mr. Dillon's.

(The President.) I only wanted to know whether there had been any other. It is all part of the same speech?

(Mr. Atkinson.) All parts of the same speech.

(Mr. Lockwood.) I am very loth indeed to trouble your Lordship with it. It appears to me that at some time or other, if this speech is put in, we shall have to have the whole of it read. The objection is that it will take such an enormous amount of time.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

(Mr. Atkinson.) I am only dealing with that particular portion of it with reference to the other organisation.

(The President.) Yes.

(Mr. Atkinson.)

"I would wish to say just this one word in answer to those who accuse me, and men like me, of going in for agitation; that the work in which we are engaged is not agitation in the ordinary acceptance of the word, because I have always told the people at public meetings that those meetings amount to nothing, that they are only the beginning of the work, and that if they are not backed up by determined work they are literally nothing or worse than nothing. (Hear, hear.) I believe the Irish people have been injured seriously in the past by being led to suppose that they could win the rights of free men by marching to public meetings and shouting for public speakers. I say that the object of holding those meetings is to tell the people how they can win their rights, and as soon (as) I see the people sufficiently organised to carry out the policy of this League without meetings, I, for one, would be glad to have no more meetings and to work simply, quietly, and silently, without any more public speaking. (Hear, hear.) I hope that will be the case before six months."

(Mr. Lockwood.) It goes on.

(Mr. Atkinson.) Yes, but I do not propose to go on.

(Mr. Lockwood.) He says:—

"Now I would only say in conclusion with regard to the practical work of this League that we recommend that each branch, such as this, should have a known committee room,"

and so on, and then he deals with the work of the League.

(The President.) That is not quite the point on which Mr. Atkinson is insisting.

90,866. (Mr. Atkinson.) In that speech of Mr. Dillon's was there not a distinct recognition of the two organisations?—I think it only proves the truth of what I have been contending for with you that we were in a great difficulty with the Fenians. I do not care to put an interpretation on Mr. Dillon's speech, but I know if I made a speech about that, that it would be a speech of that character to try and placate them, and disarm their hostility.

90,867. And get their support?—Get their support if possible, we would not get the support of better men.

90,868. Without question of at all abandoning their action?—They may have an *arrière pensée* if they like.

90,869. Are you acquainted with General Millan?—I met him.

90,870. In Cork, was it not?—I do not think it is at all germane to the case.

90,871. (The President.) That is not for the witness, that is for the Court to determine, whether it is material?—Well, I met General Millan on business connected with Fenianism, and as I told you before, I cannot tell you anything further.

90,872. (Mr. Atkinson.) Was not that in 1878 or the beginning of 1879?—Well, I must decline to tell you.

90,873. The date of the meeting. I have not asked you what transpired or what took place. I want to know the date of the meeting?—I met General Millan, as you ask me; it concerns myself to say that I met him.

90,874. But about what period I want to know, was it not the end of 1878 or the beginning of 1879?—I do not think I can tell you when I met him.

90,875. Do you mean you will not tell, or you cannot tell?—I mean that I will not tell.

90,876. Will you say that it was the end of 1878 or the beginning of 1879?—I will not.

(Mr. Justice A. L. Smith.) You will not say it was not.

90,877. (Mr. Atkinson.) Had you more interviews with him than one?—No.

90,878. Do you mean you had only one interview with him altogether in your life?—Only one in my lifetime.

90,879. Did he present any document to you?—No.

90,880. Was there any person present on the occasion of your interview?—There were.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

- 90,881. Was any document presented by him to the persons present?—No.
- 90,882. Was it a meeting?—It was.
- 90,883. Was there many people present?—Not many.
- 90,884. How many?—Oh, about—say something less than a score.
- 90,885. (*The President.*) How many?—Less than 20.
- 90,886. (*Mr. Atkinson.*) Was Devor present at it?—No.
- 90,887. Where did it take place?—That I cannot tell you.
- 90,888. Do you mean you cannot, or will not?—I will not.
- 90,889. Was it a Fenian meeting?—It was.
- 90,890. Was a man of the name of Kennedy present at it?—I do not remember.
- 90,891. Do you know a man of the name of Kennedy?—I know a great many men of the name of Kennedy; not anyone in particular.
- 90,892. Did you know a man of that name at the Manchester Hotel here in London at that time?—No.
- 90,893. Or some time afterwards, at the time of the London explosives, or did you meet a person of that name at the Manchester Hotel?—No, never.
- 90,894. Never, on any occasion?—No, never.
- 90,895. Now, Mr. O'Connor, I have to call your attention to some speeches. Did you interest yourself in the starting of the League at Ballydehob, in the county of Cork?—The Land League?
- 90,896. Yes?—I was once, I think, with Miss Parnell.
- 90,897. Do you not remember the Land League being started at Ballydehob, in the county of Cork?—The Land League?
- 90,898. Yes?—I do not think so.
- 90,899. Do you remember making a speech there?—I made a speech there—two speeches, many speeches, I think, at Ballydehob.
- 90,900. Did you see them reported?—Sometimes I saw them reported, sometimes I did not.
- 90,901. Reported in the “Cork Skibbereen Eagle” of the 2nd of April 1881?—Sometimes I took the trouble to read them, and sometimes I did not.
- (*Mr. Lockwood.*) Have you got the “Skibbereen Eagle”?
- (*Mr. Atkinson.*) Yes, I have sent for it.
- 90,902. You said—
- “I shouldered my rifle in '67.”
- Yes.
- 90,903.
- “And am prepared to associate with and organise every association to benefit my country.”
- Yes.
- 90,904. What were you alluding to there?—Well, shouldering the rifle is rather a figurative expression.
- 90,905. I am referring to every organisation—
- “I am prepared to associate with and organise every association to benefit my country.”
- So I would.
- 90,906. What association were you referring to?—I was referring to the Constitutional Association.
- 90,907. That is, that you Fenians were willing to associate and organise with the open movement?—Yes; but I told you before I had ceased to be a Fenian.
- 90,908. What I want to see is—from your utterances you do not appear to have held yourself out as a converted Fenian at all?—Well, I had Nationalist proclivities.
- 90,909. —
- “I shouldered my rifle in '67, and am prepared to associate with and organise every association to benefit my country.”
- Did you mean to convey you were ready to take part in the Land League movement?—Notwithstanding I had taken part in the rising of 1867, I was willing to be one of



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

the Constitutional movement, which I think was a great deal to be said for the Constitutional movement.

(*Mr. Atkinson.*) This speech I am referring to is already in at page 1434.

(*Mr. Justice A. L. Smith.*) This speech?

(*Sir Henry James.*) Yes.

"Some time ago,"

you go on to say,

"a gentleman came into the rooms of the newly-formed Cork Land League. He was an old man of venerable appearance, and he said to me: I came from a remote part of the county of Cork, where the tenants are paying rackrent, and we want the Land League. That part of the country was Ballydehob, and that gentleman was Mr. Hodnett. Let me say a few words to the men of the country. The men of Ireland were now breast high against the laws of the country. Let no man take a farm from which another has been evicted. For the present you shall not pay an unjust rent until the time shall come that you shall pay no rent at all. We have the first round out of the Government, and we have been victorious. We have had a round with the landlords, and we have taken a fall out of them."

(*Mr. Lockwood.*) Your Lordship will permit me to read it, as I see it here. There is a passage left out.

(*The Attorney-General.*) Read it from the evidence.

(*Mr. Lockwood.*) I am reading it from the paper, from your paper:—

"The lines of the people had been laid down, and it only remained for the people to fight the battle. The outposts had been drawn, and if the people entrenched their position on the lines laid down by the Land League, success would be assured."

That is what you left out,

(*Mr. Atkinson.*):—

"We have the first round out of the Government, and we have been victorious. We have had a round with the landlords, and we have taken a fall out of them. If any man go behind your back and pay an unjust rent, or part of it, I won't tell you what to do with him. I won't tell you to nail his ears to the pump, I won't tell you to boycott him, but they know how to meet him themselves."

Were you aware—

(*Mr. Lockwood.*) Did he say that; that is not in the speech here.

90,910. (*Mr. Atkinson.*) Did you say that?—Probably I did, if it is so reported.

90,911. You knew, of course, your speech would be reported when you made it?—Yes, certainly, I knew that.

(*Mr. Lockwood.*) I did not interfere with Mr. O'Connor until he answered. He said: "I suppose I did, if I am so reported." The reference my friend has given me as the authority for what he has read, does not contain that.

(*The President.*) Well, that is the suggestion.

(*Mr. Lockwood.*) Still, would it not be in fairness to the witness that he should know it is not here. I should think he thought that the Counsel was reading from the reference that he gave me; and it is not in that reference.

(*The President.*) Where did the report come from?

(*The Attorney-General.*) A shorthand writer.

(*Mr. Lockwood.*) A Government shorthand writer.

(*The Attorney-General.*) Yes. There is the speech.

(*Mr. Lockwood.*) There is the speech in this paper, and I have followed you.

(*Sir Henry James.*) If your Lordship will allow me, it is in this way:—"He was not going to tell them to boycott him"—that is the land-grabber—"they knew how to meet him themselves."

(*The President.*) It is the same effect.

(*Mr. Lockwood.*) The line as to nailing his ears to the pump is here.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,912. (*The President.*) Well, I should think that anybody, not to mention Mr. O'Connor in particular, but I should think anybody would recollect whether they used such words as those:

"I won't tell you what to do with him, I won't tell you to nail his ears to the pump."

What do you say now?—I could not say now, my Lord, what is my memory after ten years—I cannot remember every word I have uttered. It would be very unreasonable thing to expect a man should recollect everything he said in a rough and tumble movement like this.

90,913. (*Mr. Atkinson.*) You are aware outrages had been committed upon men in Cork?—I am not aware of anything of the kind.

90,914. Do you mean to say you did not know before 1881?—I do not think any outrages occurred before that time.

90,915. Not that particular district, Ballydehob, but in West Cork?—The report of my speech advised boycotting, and if I advised people to boycott their enemies—to boycott them, I stand by it now.

90,916. Does not this "Skibbereen Eagle" paper circulate over the western portion of Cork?—Yes, and if it reported me advising them to boycott their opponents I should not at all object.

90,917. Do not you know that it circulates very largely in the western portion of part of the county of Cork?—Yes, I do.

90,918. And did not you know that your speech would be reported?—I did; and I defy you to point to any speech of mine that was followed by outrage.

90,919. Do you remember making a speech at the Land League about which I understand, my Lord, there is some controversy, which is also reported in the "Cork Examiner."

(*Mr. Lockwood.*) There is no controversy about it.

(*Mr. Atkinson.*) At page 1435 it is stated so by Sir Charles Russell.

(*Sir Henry James.*) Have you the "Cork Examiner" here?

(*Mr. Lockwood.*) The 2nd of April is the one I want.

90,920. (*Mr. Atkinson.*) Do you remember making a speech at the Cork Land League in reference to the police in the year 1881?—Yes, I think my arrest followed upon that speech.

90,921. Did you endeavour to corrupt them?—I endeavoured to point out to the police that they would determine their engagement with the Government at a month's notice if the duties that were imposed upon them were disagreeable to them.

90,922. And violate their oaths?—That would be no violation of their oaths; to give notice for a month would be according to their agreement, and this was, I believe, the reasonable practice for which I was summoned.

90,923. Did you promise them money?—I do not remember that I did. I think I pointed out—of course you have the speech.

(*The President.*) What was the date of the speech?

90,924. (*Mr. Atkinson.*) The 13th of June 1881. It is reported in the "Cork Examiner"?—I trust you will read it all.

(*Mr. Atkinson.*) I will, certainly.

(*Mr. Lockwood.*) If you will let me have that, and take your extract, then I will follow you.

(*Mr. Atkinson.*) Do you say without having the speech read to you you cannot say whether you offered them money?—Yes, I do.

90,925. And stated that money had been collected for them?—Yes, I do; but it would be nothing to be ashamed of.

90,926. (*The President.*) You do recollect what?—I said I do not remember such being made. I think I remember having stated they would get employment at the other side of the Atlantic. I think I said that.

90,927. You added that if you gave them money would not be anything to be ashamed of?—To help them to emigrate, my lord.

90,928. That has been added now.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

(Mr Atkinson.)—

“ Mr. O'Connor in supporting the Resolution said there was one thing he  
 “ wished to refer to, and that was with reference to the remarks of Dr. Croke, of  
 “ Tipperary.”

Then you proceeded to deal with that, and I need not read that.

“ The chairman's remarks with regard to the police were very well timed,—  
 “ he wished to point out that there was at present no collection or fund  
 “ which was to be used for the purpose of aiding and assisting any man in whom  
 “ the early teaching he got would predominate, who would respond as it were to  
 “ his mother's milk, and leave the force. Let them out for a moment, take into  
 “ account the violation of their oaths. They were only bound to keep their oaths  
 “ as long as they kept their places in the force, but as to leaving the force they  
 “ had the opinion of a great constitutionalist, who said that when a just oath  
 “ clashed with the allegiance to a man's country he was not bound to keep it.”

Who was the great constitutionalist to whom you referred?—I do not remember.  
 I think I alluded to Marshal Serrano, or some such man.

90,929.

“ He had the authority of P. J. Smith himself, whom he consulted long since,  
 “ on the matter, and who pointed out in the whole of history from the Duke of  
 “ Marlborough to Marshal Serrano, there was no man who did not if he wished  
 “ to break away from his own allegiance and serve under a new régime. He  
 “ wished to say that if there should be any scruple on the question, and if there  
 “ were some who might consider it their interest to remain in the force, he wished  
 “ to point out that they would soon be in a position to show them that it would  
 “ be in their interest to leave the force, for they would attach the whole system  
 “ of British mis-government in this country, openly and in force, and they would  
 “ sap it to its very foundation. This had devolved more statesmen than any  
 “ other; he had known it had shown its wisdom throughout, and it would show  
 “ that it was the interest of the police no longer to support one of the vilest  
 “ systems that ever disgraced God's earth.”

You do not suggest apparently that the police should have the same delicacy about observing their oath as you have expressed here?—I think I laid it down as a condition that they should comply with their oaths by giving a month's notice. I think I laid it down when I said that, and when I spoke of a new régime I meant them to transfer their services to a foreign Government like America; I held out prospects of emigration.

90,930. Was not it an effort on your part to corrupt the police?—I do not think it was. I think it was merely pointing out a fact; it is a fact that the Irish police can determine their arrangements with the Government at a month's notice, and it is no crime to emphasise, or point out that fact, if their duties became disagreeable. They might transfer their services to a new régime, or a foreign Government.

90,931. Who was collecting the fund?—Oh, I do not think that fund amounted to anything; I do not remember much about it.

90,932. Was it in existence at all?—I think there were one or two policemen—

90,933. How much did it amount to is my question?—I think a few pounds.

90,934. Then you were misleading the force?—At the time, perhaps, I had hoped it would swell to an amount that would have some effect.

90,935. Did not you wish these men to believe that you had a fund that would send them out of the country if they desired?—I wished them to believe that there was a fund for the purpose—

90,936. It amounted to 2*l.*?—I said a few pounds.

90,937. Did it amount to 5*l.*?—I could not tell you how much it amounted to.

90,938. About how much?—I could not tell you how much it amounted to. It was started, and I think it ended where it began.

90,939. Who started it?—I could not tell you, I do not remember.

90,940. Was there really any money at all, except a few names?—Possibly.

90,941. Was there any money?—I do not remember, I would have no reason to suppress it if I knew it.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,942. Was it a false promise, so far as they were concerned?—I think it must have been some that I saw in the paper that led me to believe that.

90,943. Did you make inquiry before this speech?—None whatever, except what I saw in the paper.

90,944. That would be an endeavour to mislead them?—I thought the proposal to establish the fund was genuine, and that it would be supported and taken up, and that it would have some effect in relieving men from a disagreeable duty.

90,945. It was out of consideration for the police?—It was out of consideration for the police.

90,946. For their feelings?—Well, I have consideration for the feelings of men who have to do disagreeable duties.

90,947. Did you state it was out of consideration for the feelings of the police?—I should say not.

90,948. Not to influence them not to discharge the unpleasant duties?—Not altogether.

90,949. Was it at all?—Not altogether, I should say. It was to disaffect the police force.

(*The President.*) That is a candid answer.

90,950. (*Mr. Atkinson.*) Was that one of your efforts to put down crime?—Well, that would have nothing to do with putting down crime, because I believe I have been more instrumental in putting down crime than the police force.

90,951. You think so, up to 1885?—The police force, instead of putting down crime, are very clever in breaking the heads of people who wish to be on their side.

90,952. Did you ever suggest that any assistance should be given to the police in putting down crime?—To put down crime?

90,953. Any assistance given to the police to put it down?—I do not think I have since the Coercion Act was passed.

90,954. Do you mean since 1881?—I think, since 1881.

90,955. Before that, did you ever do so?—Yes; I think I had every honest intention to help the police at that time.

90,956. I am asking you, did you ever suggest to the people on any public occasion, or in any public speech that they should aid the police in putting down crime?—I do not think I have; I do not remember having done so; I may have done so.

90,957. Did you ever suggest when crime was committed that information should be given to the police?—I do not think I suggested it either.

90,958. Then up to 1885, in what does your offer to put down crime consist?—In public denunciations in the press.

90,959. Of crime in the district?—Of crime in the district; and in particular cases, if I were speaking in a district, if a crime was committed, I should feel it my duty to denounce the particular crime.

90,960. Can you point to a single occasion up to November 1885, where you ever denounced the party who committed a particular crime, as distinguished from a general denunciation of crime?—Well, unfortunately, I have not all my speeches.

90,961. Surely you must remember one occasion?—I do not think I was ever in a district making a speech where a crime had been committed immediately before.

90,962. Why did you not make it your business to go to one?—I think it was stated, if you were present, that I made it my business to go down to Kerry to denounce one.

90,963. You had been a personal friend of the Curtin's, had not you?—I had been. That was not the only reason.

90,964. I will ask you presently more about that?—Will you point out to me any crime that was committed in the county of Cork where I was speaking?

90,965. You spoke in several counties throughout Ireland?—The bulk of my labour was devoted to the cause in the county of Cork.

90,966. In any county of Ireland did you ever denounce any particular crime?—How could I go to denounce crime when I was in prison for the most part of the time?

90,967. You were only in prison from March 1881 to October.

(*Mr. Justice A. L. Smith.*) July.

(*Mr. Lockwood.*) June 1882 I thought it was.

90,968. (*Mr. Atkinson.*) Now with reference to the denunciation of the crime in the Curtin's case, you said I think that you did not denounce it in the district?—Yes, I say that.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

90,969. Why did not you denounce it in the district?—Because the people would not listen to me.

90,970. Did you try at more places than one?—I tried it at the chapel that day.

90,971. You could get none of the congregation to listen to it?—The congregation did not come to hear me.

90,972. Was it a very numerous congregation?—It was very numerous.

90,973. Why did not they listen to you?—They were angry at the time because one of the young men who attacked the house had lost his life, and they said that Mr. Curtin fired the first shot; that they did not go for the purpose of taking his life; that he provoked them into retaliation.

90,974. They had gone with arms?—They had gone with arms.

90,975. And Curtin had lost his life?—He had, I am very sorry to say.

90,976. Were all the people of the district so much in sympathy with this moonlighter that they would not even listen to you?—The people seemed to be very angry, that is all I know.

90,977. That the moonlighter lost his life?—They seemed to be angry at the whole transaction; at the whole affair.

90,978. Were they angry because Curtin had lost his life?—Many of them were very sorry for him.

90,979. Was not their anger due to the fact that Curtin had dared to shoot a moonlighter in this case?—No, their anger was that he fired the first shot.

90,980. Against a moonlighter?—Against a moonlighter; but of course you are not going to make me responsible for that.

90,981. You found that was the prevailing opinion of the district?—That was the prevailing opinion of the district; I am sorry it was so, but, of course, I cannot help it.

90,982. Did you find any exception to that?—Yes, there were great numbers of the people attended the funeral.

90,983. But when you went to speak, did you find any persons?—The prominent men of the district were with me.

90,984. Who were they?—There was a man named Jerry Leahy; he was an old fellow prisoner of mine, and he it was I sent amongst the people to tell them I was anxious to speak to them.

90,985. Notwithstanding his imprisonment could he have no influence with them?—No; they very sulkily moved away.

90,986. Any other that you remember?—I do not remember the names of the others, but there were others there.

90,987. How many?—Oh, some four or five men who were present.

90,988. With the exception of those you say the population was entirely against you?—Yes, they seemed to think that I did not understand the whole case.

90,989. Did any of them mention to you what you have given already as the explanation then given?—I have given you the explanation I received.

90,990. Were the members of the Fenian body an important factor in the Land League agitation?—No, indeed they were not.

90,991. What?—They were not, I was trying to make them more so, but I did not succeed to my entire satisfaction.

90,992. Did they hold aloof from it?—They held aloof from it entirely.

90,993. The Nationalists?—The Nationalists, as a rule.

90,994. Held aloof?—Individuals that I influenced did attach themselves to it.

90,995. Are you speaking generally or confining yourself to Cork?—I am confining myself to what I know—you are speaking of the Land League are you not?

90,996. The Land League and the National League are for these purposes practically the same, are they not?—Well, of course, the rank and file of the Fenian organisation did attend our demonstrations and seemed to be well affected towards us.

90,997. And co-operated with you?—Well, as far as attending at the meetings could be considered co-operation; but their leaders have been always rather jealously aloof from us.

90,998. Who are their leaders?—Well, local leaders—the local leaders.

90,999. Now listen to this speech. Do you remember speaking in Clare on the 9th of November 1885 at Ennis?—Yes, I think I was once there.

91,000. Do you know Mr. Bryan Clune?—Yes, I remember now.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,001. Is not he a prominent Fenian?—That was after the convention.

91,002. No matter when; was not he a prominent Fenian?—That I do not know, but I know this much, that he was put forward at the convention to be selected as a member of Parliament; and that I was there on behalf of the Irish parliamentary party; that it was my duty to oppose him and I did so.

91,003. Do you not know that he was a member of the Fenian body?—I heard it, and I heard, furthermore, that he was put forward at that convention of the Fenian body and, therefore, it was that I was obliged to oppose him.

91,004. Do you remember making this speech?

(Mr. Lockwood.) What are you reading from?

(Mr. Atkinson.) This is a shorthand note.

(Mr. Lockwood.) From a paper?

(The President.) Is it in evidence already?

91,005. (Mr. Atkinson.) No, my Lord, it is not?—Do you remember having made this speech?—What I said I cannot recollect.

91,006. This will probably enable you to recollect.

(Mr. Lockwood.) Is this the whole of it?

91,007. (Mr. Atkinson.) Yes, it is a very short speech.

“I return you my most sincere thanks for having on this day furnished me  
“ with one more recruit for my brigade of ‘Protestant Boys.’ I began the  
“ organisation at Cork by electing Dr. Tanner, and proceeded to Waterford and  
“ elected Mr. Pyne, and last Friday, in Limerick, I added another one to my  
“ muster roll in the person of Mr. Abram, and to-day Clare has given to that  
“ brigade a ‘guide, philosopher, and friend,’ who will lead us in the invasion  
“ of the North.”

Did you refer to Mr. Jordan, who has been examined here this morning?—Yes.

91,008. You proceed to say;

“Well, we will carry on that invasion in a friendly fashion, and the banner  
“ that we will place in his hands will have inscribed on it ‘Love for Ireland, and  
“ for every man who comes into the cause of Ireland.’ This will be independent  
“ of religious belief.’ It will be a friendly invasion and not like the one we were  
“ threatened with some time ago, when they said that 100,000 Orangemen would  
“ come down and sweep us from the plains of Munster. I am told that we must  
“ not expect any such good feeling coming from Ulster or our Protestant neigh-  
“ bours; but I can tell them that in the great city of Cork the recruits to the  
“ National ranks will be counted by hundreds of ‘Protestant Boys,’ and we hope  
“ soon to see every man in Ulster as well as Munster enrolled in the ranks of the  
“ National League. We were told yesterday by the press and to-day by our  
“ enemies that we would have trouble at this convention. And from whom  
“ was this trouble to come? From my old and present friends—the extreme  
“ Nationalists of Clare.”

Who were they?—The extreme Nationalists.

91,009. Were they Fenians?—And those who believed like them.

91,010.

“I said, No, it cannot be. The men who have borne the Land League  
“ platform on their shoulders will not now turn their backs on it and obstruct the  
“ work of national regeneration, and I knew that it should (*sic*) not be done by  
“ Mr. Clune.”

Do not you represent there, that the Fenians and their sympathisers had carried the burden of the platform of the League upon their shoulders?—Well, I would feign make them think so.

91,011. You were humbugging them?—Well, I would flatter them with the belief that they had, because a great many good men of the Fenian party had aided us and helped us.

91,012. But did not the Nationalists of Clare know what part they had borne themselves?—Well, even that day, by withdrawing Mr. Clee, I think they showed their desire,



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,013. How could you humbug them by telling them what they did if they did know what they actually did themselves?—I say I object to the word “humbug.”

91,014. Were you giving a true statement, according to your opinion, of the part they had borne in the agitation?—Yes, I was.

91,015. Then it is true that the extreme Nationalists had borne the Land League platform on their shoulders?—They abstained from the hostility that I was always afraid of, and many of their best men gave us assistance. That was in my mind at the time I made that speech.

91,016. But do not you observe you are not confining your remarks to the particular election then at all. “The men who have borne the Land League platform on their shoulders will not now turn their backs on it”?—I have told you the rank and file gave us their assistance.

91,017. Were they the main workers?—The rank and file attended our meetings. They were not the main workers.

91,018. What do you mean by their having borne the platform on their shoulders?—I meant attendance at meetings.

91,019. Is that all?—Not all.

91,020. Did you not mean to represent by that speech that they had been the principal support of the League?—I have told you that many good men gave us assistance.

91,021. My question is, did you not mean in that speech to represent that the Fenian body had been the main support of the League?—I did not mean to say anything of the kind. I have told you what I meant. What I meant was that the rank and file used to attend our meetings, and that many able and patriotic Fenians had given us good assistance.

91,022. That is what you meant by those words?—That is what I meant by those words.

91,023. You meant to represent that by the words “They have borne,” &c.?—And of course you will allow for a man making a public speech, will not you, a little rhetorical exaggeration?

91,024. Yes, but rhetorical exaggeration in Cork, and rhetorical exaggeration to the police, and rhetorical exaggeration to the Nationalists of Clare?—Unfortunately, it was necessary, as I told you before, to placate these people. I had very great difficulty all that time.

91,025. You said a few moments ago that no outrage followed upon any speech you had made?—I should be very sorry to learn there had.

91,026. Do you remember having made a speech at Lisgool on the 26th July 1889?—I remember having made a speech at Lisgool, but I do not know when it was. I think it was shortly before my arrest in 1881.

91,027. Do you remember having said when a man violated the principles of the brotherhood he should be boycotted?—Of the brotherhood?

91,028. Yes. That is the League, I presume?—I do not remember to have used that word. I do not remember it. I do not remember the speech.

91,029. It is in evidence at page 152?—Will you give the date to Mr. Lockwood?

91,030. 26th July 1881?—I should like to see that speech reported in the Cork papers.

91,031.

“I have one other proposition to make—to propose a vote of thanks to our worthy and reverend chairman here to-day. I am sure the Irish people were formerly very powerful, but when joined by the clergy of Ireland they were irresistible. I am sure a resolution of this kind is always acceptable to an Irish audience. I pity a fellow parishioner who has not come here to-day to join in that vote of thanks (groans). I think he would feel more happy in his mind if he passed in the seclusion of the lund-grabber, but I think he will live long enough to know that he represents his country's curse, his country's enemy, an outcast to himself and fame.”

—An outcast, I should say, to virtue, peace, and fame.

91,032. “An outcast to himself” it is difficult to imagine?—It must be a Government reporter, because they are not very poetic.

91,033. Government reporters are not poetic?—No.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,034. Were not you alluding to a man who grabbed land?—I was alluding to a man that day who came out and with a hatchet cut down all the decorations of the village, and when I said that he should stay in the seclusion of the land-grabber I alluded to his violent conduct in the morning, because he had come out and cut down these decorations in the village, and some altercation, if I remember rightly, occurred between him and some of the villagers.

91,035. What was his name?—I think his name was Hayes; I am not quite sure.

91,036. Did you know whether there was a man of the name of Timothy Carroll fired at the next day and boycotted afterwards for refusing to act as president of the local branch?—No, I do not. Where did that occur?

91,037. A couple of days afterwards?—In the same locality?

91,038. Yes?—I never heard of it before.

91,039. Rathmore—was not it Rathmore?—No, you said Lisgool.

91,040. Lisgool is the place of the speech. Is not Rathmore in the district?—Rathmore is about 100 or a couple of hundred miles away, on the borders of Kerry.

91,041. Are you sure it is the same place you are speaking of? Is not there a Rathmore in the county of Kerry, near Lisgool?—Rathmore is in the county of Kerry a hundred miles away.

91,042. How far from Dunmanway is this Lisgool?—That is a couple of hundred miles in another direction. Cork is a very big place, you know.

91,043. Let me call your attention to a few more of your speeches. Did you denounce land-grabbing?—When I speak of these dimensions about Cork, what I mean is this.

91,044. It is not rhetorical exaggeration?—No; from where the county of Cork adjoins the county of Limerick to the other extremity is about 160 miles.

91,045. Do you remember condemning land-grabbing?—I condemned land-grabbing very often and always shall.

91,046. Did you look upon it as being necessary to put down land-grabbing if the movement was to succeed?—Yes, that was my opinion.

91,047. That unless that was put down it would be impossible for the land movement to succeed?—That was my opinion always; because I had it from the public speakers of Mr. Butt's movement. I heard Mr. Shaw say so.

91,048. Do you represent that these gentlemen denounced land-grabbing?—Yes, I remember once Mr. Shaw having said in my own presence that the land question could not be settled in Ireland while land-grabbing existed.

91,049. Did he use the word "land-grabbing"?—He did use the word "land-grabber," and he also spoke about evictions in connexion with land-grabbing, and he expressed a desire to take the linch-pin out of the car whenever one of these men went to evict.

91,050. Are you speaking of a public speech?—I am speaking of a public speech.

91,051. And one speech—only one speech?—Only one speech.

91,052. Now was there a word in the speech from beginning to end about land-grabbing?—I heard him. I do not know whether it was that speech or not, of course.

91,053. Did you ever in your life hear Mr. Shaw make a speech against land-grabbing?—Yes, I heard him make a speech in which he used the word "land-grabber."

91,054. Where?—I think it was in the Corn Exchange in Cork.

91,055. Is it reported?—Yes.

91,056. Where?—In the Cork papers.

91,057. About what time was it made. Can you tell?—Previous to the establishment of our movement.

91,058. In Ireland there exists, as you say, a great dislike to the system of government, does there not?—Yes, a very strong dislike to the system of government.

91,059. And a great dislike to landlordism?—Yes, a great dislike to landlordism.

91,060. And you have endeavoured to stimulate that dislike, have you not?—To stimulate it?

91,061. Yes?—I have endeavoured to give expression to it.

91,062. With the effect of stimulating it?—I do not think it needed any stimulation.

91,063. Now, have not you held up the land-grabber as the prop and support of the whole system?—Very probably I have held him up as a prop to landlordism.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,064. Listen to this. You made a speech upon the 13th April 1884, at Midleton. You say :—

“ I am sorry to say the same feelings exist in this country that existed then.  
 “ I have to say that the worst evils of the land are rampant in this district.  
 “ (Interruption, and cries of ‘ order.’) I have to say that the county of Cork is  
 “ remarkable above all other counties in Ireland for that worst of all evils—I will  
 “ say land-grabbing. (Groans.) Now, my friends, I am on a delicate subject,  
 “ and I would ask those in the crowd not to press me too far. I am face to  
 “ face—I am looking straight in the face one of the most criminal Crime Acts.  
 “ (Interruption.) Lord Midleton was in town for the past week, and I am not  
 “ surprised at these little disturbances. (A noise.) The landlord’s pockets are  
 “ full of rackrents yet. I may tell you, my friends, that I am face to face with  
 “ one of the most criminal Crimes Acts that ever was invented by the devilish  
 “ ingenuity of British statesmen. In touching this subject of land-grabbing,  
 “ I must hold up present to my mind the charges of judges of county courts.  
 “ I have listened when they distorted the language of companions of my own,  
 “ and put them lying on plank beds for having told the truth. In the face of  
 “ this I shall endeavour to tell the truth here to-day. Although I do look that  
 “ Ennis Act in the face I tell the land grabbers of this county I make war upon  
 “ them. (Cheers.) But I have also to ask the people—I have to ask the people  
 “ here to-day not to touch a hair in their heads. But I have to ask them to leave  
 “ them severely alone, and I will tell you why. There is a farm not many miles  
 “ from here—

“ A Voice: ‘ You can see it.’

“ Mr. O’Connor: You can see it from this very platform, owned by a man  
 “ you all know—Ned Cotter. Why I ask you to leave the land-grabber alone is  
 “ this, because it is not safe to interfere with him, And why? Ned Cotter was  
 “ walking yesterday, or the day before, upon land he once tilled, and upon which  
 “ he supported his aged mother. I believe in walking from the house of a  
 “ neighbour over the land that bore him, but the land-grabber was there—the man  
 “ I asked you to leave severely alone. What did he do? He fired at him, he  
 “ shot at him; but that man, that intended murderer, is walking at large to-day,  
 “ and the police are here to interfere with you in the exercise of your right. If  
 “ Captain Plunkett exercised half the energy that he displays in crushing out the  
 “ meetings of the Irish National League with regard to that grabber that fired at  
 “ Ned Cotter,”

and so on?—I think that is a very good speech.

91,065. First of all you say you will make war upon the land-grabber, and then you counsel them not to touch a hair of his head, as it is dangerous?—Yes; I always, in making war upon the land-grabber, I nearly always took the precaution of telling the people they were not to commit an outrage upon him.

91,066. Quite so?—Making war is a figurative expression.

91,067. But why are they to leave him alone? Why are they to not touch a hair of his head. You go on to state the reason why, and the reason why was that this land-grabber shot at Ned Cotter?—That would be a good reason also.

91,068. Is not it an incitement to commit outrage when they can do it without danger?—It is nothing of the kind; and I object to any such construction being put upon my words.

91,069. Then why was it you selected as a reason for their leaving the land-grabber alone, this instance where the land-grabber had shot the former tenant?—Because, I suppose, I wanted to refer to it in condemnation of the conduct of the police, who took no notice of it.

91,070. And for no other reason?—Well, it occurred in the immediate district, and I made it my duty always to refer to whatever occurred in the immediate locality of where I was speaking on that day.

91,071. You have denounced land-grabbing on other occasions, have you not?—I have, on all occasions, nearly.

91,072. And have you said that the question never would be settled until land-grabbing was stopped?—Yes, I have said that, I think.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,073. Now, in the Fenian Society was any punishment ever inflicted upon men who were false to the cause, and became traitors and gave information?—Not in my time.

91,074. Do not you know that it has occurred—that Fenians have been executed by Fenians when they were supposed to be giving information to the police?—Well, I do not remember it.

91,075. Is not that one of the recognised rules of the Fenian body, that if a man turn traitor and give information, that he may be executed?—I never saw it in the rules.

91,076. Is it not one of the practices?—I am not aware that it is.

91,077. Or the principles?—I do not think that it can be, because I knew many traitors who were not treated thus.

91,078. Did you know any traitors that were treated in that way?—No, I did not.

91,079. And in Ireland are you not able to form an opinion as to whether it is not part of the Fenian principles to inflict an outrage upon a man who had turned a traitor?—I never knew that it was one of their tenets.

91,080. Or one of their practices?—Or one of their practices, because if that were so, they would have had a good deal of shooting to do.

91,081. Can you form an opinion then as to what the effect on a crowd composed partly of Fenians would be of holding a man up as a traitor?—Well, everybody knew. when I spoke, of my Fenian connexion, and they knew very well that Fenians were averse to outrage. Therefore they never took me when I denounced the land-grabber as meaning that there should be an outrage committed upon him.

91,082. Did you know a man of the name of John Daly, who was afterwards convicted as a dynamiter?—Yes, I knew him.

91,083. In September 1882 did you attend a meeting at a house in Dublin, in Mary Street?—Mary Street, Dublin?

91,084. Yes?—What sort of meeting might it be?

91,085. Do you remember in September 1882 attending a meeting in a house in Mary Street in Dublin?—I do not.

91,086. Do you remember attending a meeting at which J. J. Clancy, Thomas Brennan, Matthew Harris, Dennis Hennigan, Daniel Hishon, John Rorke, and J. C. Mullett were present?—No.

91,087. Or any of them?—I never attended such a meeting at all.

91,088. Did you meet any of those people at or about that time?—No, not at all.

91,089. Or attend any meeting at that time?—No.

91,090. In any place in Dublin or elsewhere?—Never attended a meeting at all in Dublin of any kind except the National League and the Land League.

91,091. Where did you see Daly?—John Daly?

91,092. Yes?—I knew him for a great many years. I often saw him in Limerick and often saw him in Cork.

91,093. How long did you know him before his conviction?—I could hardly tell the number of years.

91,094. Were you an intimate friend of his?—Well, I would not say an intimate friend, but I was an acquaintance of long standing.

91,095. What business had he followed?—He was a tradesman of some sort in Limerick.

91,096. Was he a member of the Fenian body?—I think he was.

91,097. Up to what time did he continue to be?—I do not know anything about him, as a Fenian. I never attended a Fenian meeting with him, I might say.

91,098. But in your opinion he was a Fenian?—I have so often heard so that I make no doubt at all about it.

91,099. Did you know at all what business he was doing in Cork; what brought him to Cork?—I never knew.

91,100. He lived in Limerick?—He lived in Limerick.

91,101. Do you know whether he subsequently went to America?—Yes, I know that.

91,102. Do you know when he went first?—I do not know when he went first. I do not know. How can I tell the movements of a man who lived in a different city to me?



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,103. I ask you as far as you know?—I do not know when he went to America first, nor when he went last.

91,104. Did he go in 1874?—I could not tell you.

91,105. He did not accompany you?—Indeed he did not,

91,106. In 1883, did you distribute the Martyrs' Fund in company with Miss Ford?—No, I did not.

91,107. Did you meet her when she came over here?—I met her on her way out.

91,108. After the distribution of it?—I do not know what she distributed. I did not know her business at all. I met her at the hotel at which she was staying in Cork. It was a place that I resorted to very often.

91,109. Had you any conversation with her?—I think I accompanied her to the theatre that evening. That was all.

91,110. She was a sister of Pat Ford's of the "Irish World"?—So I heard.

91,111. Did you ask her at all what business she had in Ireland?—I did not, indeed.

91,112. Was nothing whatever said about her mission here?—Not a word.

91,113. Did you see reports in the newspapers from time to time as to what brought her to this country?—I did not.

91,114. Did you ever hear of the Martyrs' Fund?—I have heard of it in connexion with this trial.

91,115. Never until this trial?—Never until this trial—never until some other trials. Perhaps I heard of it in connexion with some other trials.

91,116. But up to the time you heard of it in the trials were you in entire ignorance of the fact that a Martyrs' Fund had been collected?—Quite.

91,117. Knew nothing whatever about it?—Knew nothing whatever about

91,118. Or heard nothing about it?—Heard nothing about it.

91,119. I did not exactly catch your explanation of what you said upon this occasion of escorting these Kerry prisoners in Cork?—What I said.

91,120. Yes?—I have stated what I said.

91,121. Winter assizes had been held in Cork for a number of years preceding this?—Yes.

91,122. Were a number of prisoners about to arrive in Cork for trial there?—At that time?

91,123. Yes?—I was not aware.

91,124. Did you see a report in the paper of what actually took place?—Of what actually took place when?

91,125. On their arrival, on the night of their arrival?—Yes, I read it.

91,126. Including a report of your supposed action yourself?—Yes, I have got that report.

91,127. (*Mr. Lockwood.*) Out of what paper?—The "Cork Herald."

91,128. (*Mr. Atkinson.*) When did you get the paper you have?—Very recently, I think. What is the date of it?

91,129. The "Cork Herald" of the 30th November 1886. I presume you saw a report in the paper of all the proceedings, did you not?—I saw the account which was published.

91,130. Is this correct?

"To-day at two o'clock several prisoners to be tried at the forthcoming winter assizes arrived in the city of Cork under police escort. The prisoners in all numbered over 40, and included Dr. Brosnan and his fellow prisoners, as well as several prisoners from Clare and Limerick. The prisoners were accompanied from Mallow by Mr. John O'Connor, M.P., and were met at Cork station by an immense crowd by whom they were escorted to the county gaol. There was an immense body of police, but their presence excited no unfriendly demonstration. After the prisoners had been removed within the building, a meeting was held outside the gate. Those present were Messrs. John O'Connor, M.P., John O'Brien, alderman, J. C. Forde, &c. &c. Mr. John O'Connor, M.P., who was received with great cheering, said that they were to have held a meeting on the previous day, and if they had held it, it would probably have been suppressed by the Government just as the Sligo meeting was suppressed. Why did they hold the Sligo meeting, and why did they intend holding a meeting in Cork?"



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

" It was to insist that trial by jury in Ireland, the precious gem of the British constitution, should get fair play. They knew it cost an English monarch almost his throne in order to establish free and fair trial by jury. There had been no fair trial by jury in Ireland. There had been no fair trial by jury in Cork. The juries were packed—Irishmen and Catholics were not allowed on them."

Then you proceed. Then I come down to this?—You might as well read the whole of it.

91,131. I will, if you wish. It is with reference to the cry about Poff and Barrett which I wish to ask you about. You go on to say :—

" It was no matter where a man committed a deed—let it be a crime if they liked, no matter where he committed it, particularly if it was an offence against the law on the side of the people, whether it was in Belfast, in Tubbercurry, or back of God-speed, he was brought to the obsequious jurors of Cork to be condemned like Poff and Barrett. A Voice—Cheers for Poff and Barrett (loud cheers)."

Then you proceed :—

" Who were innocent of the crime for which they were charged, and they [were] hanged, although the Government—the Government officials of Castle-island had quiet knowledge of the fact that they were innocent. These two men were hanged innocently, and they knew at Castleisland and Dublin Castle that they were innocent; still they hanged them, because they did not wish to stultify the obsequious hanging Cork jurors. Was the character of their rebel city to be disgraced? It was this that brought the flush of shame to mantle on his cheek whenever he spoke to an Irish audience, when, as they did in the Tubbercurry case, in the Poff and Barrett case, in every case, hanged and condemned and had transported innocent men. When he stood up in a strange place in any part of Ireland, it was hurled at his face that the Cork people were obliging to the Government—so obsequious to the British Government that they would do any dirty dodge the Government asked them to do."

91,132. Is that a correct report of your speech?—That appears to be correct according to this report.

(Mr. Lockwood.) Is that your speech?

91,133. (Mr. Atkinson.) Is that a correct report of the speech?—I think so.

91,134. You go on to say :—

" He was quite familiar with the inside of the prison. Three times in his life he had occupied its cells; and not only the cells of that jail but of almost half the jails of Ireland; and he could tell them this much, that it was not such a very terrible place. The Irish people must familiarise themselves with going to prison. It was only by going to prison, by treading the scaffold, that anything was won for Ireland. They must make the government of Ireland by the English people impossible in Ireland. He promised that these men who had just entered the jail gates would have plenty of companions before Christmas, no matter of what charge they may be accused."

That meeting was held upon the very eve of the assizes, was it not?—Some time before the assizes.

91,135. How long? Only a few days?—I should think a week or so. It does not matter a few days here or there.

91,136. I presume you know the jurors who were to try those cases were by that time ascertained and summoned to attend?—No, I do not suppose they were.

91,137. On the 30th November?—I do not know what the procedure is.

91,138. Did not the assizes take place in a couple of days?—I should say they did.

91,139. I see in the same paper the grand jury had been summoned by the sheriff before that, did you not know?—No, I am not aware. I was not a juror myself. My father is the occupier. I had too much to do to look into these matters.

91,140. Cheers for Poff and Barrett, do you observe, were given?—Yes.

91,141. Are you quite sure you did not give them?—I am quite sure I did not give them, quite sure.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,142. Do you mean to accuse the Government of that time of deliberately hanging men that they knew to be innocent?—No, I do not accuse the Government.

91,143. Who then?—I do not believe that the Lord Lieutenant had any knowledge at all—I do not believe that he would do so, or that he had any knowledge of it. But the accusation in my speech is this, that the Government officials of Castleisland had knowledge of the fact that they were innocent.

91,144. That is not enough you know?—And also that they knew who were guilty.

91,145. Listen for a moment. You say that two men were hanged innocently and they knew at Castleisland and Dublin Castle that they were innocent, and still they hanged them because they did not wish to stultify the obsequious hanging Cork jurors?—Well, I thought that anything which would be in the minds of the Government officials in the locality in Ireland would be communicated to the Castle, and that somebody in the Castle would know it.

91,146. And that the Castle would therefore know it?—Yes.

91,147. And that the Castle would hang men whom they knew to be innocent?—Yes, that is why it is I was so angry. That is why it is I spoke so strongly.

91,148. Did you mean to intimidate the jurors who were about to try those 40 prisoners you had escorted?—No, I did not, but I meant, if possible, to bring public pressure to bear upon the consciences of Crown Prosecutors in Ireland.

91,149. Oh, they are past hope you know?—To show that I did not wish to intimidate the Cork jurors perhaps their Lordships will allow me to read what I said two days before at Newmarket?

(*Mr. Atkinson.*) Certainly.

(*Mr. Lockwood.*) I will take a note of it. With my Lord's permission it may be read now on this point.

91,150. (*The President.*) Quite so, the question having been put to him about intimidating jurors?—Well, I said—

“We do not want to intimidate juries; but we say the institution shall be free and unfettered, and because we are determined to hold meetings in Ireland for the purpose of insisting that juries should be allowed to perform their duties between man and God and their consciences, these meetings have been suppressed by the tyrant hand of a tyrant Government.”

91,151. (*Mr. Atkinson.*) Where was that reported?—That was reported in the Cork paper of the previous day.

91,152. Where was the speech delivered?—At Newmarket on the Sunday previous.

91,153. (*Mr. Lockwood.*) It is the same paper?—Yes, it is published in the very same paper. It was not published for two days.

91,154. (*Mr. Atkinson.*) You go on to say here—

“They should put a stop to this. They should open the eyes of these jurors to their position. They should compel the Government to get other people to do their dirty work, and not to have their characters—the character and fair fame of their fair city—destroyed by these wretchedly mean hanging Castle officials and Castle hacks.”

—What are you reading from now?

91,155. The same speech?—Is that that the Newmarket speech?

91,156. No, in Cork. Who were the persons in Castleisland whom you meant when you said they knew Poff and Barrett were innocent?—Almost all the shopkeepers I used to wait on in my business.

91,157. And they knew at Castleisland and Dublin Castle that they were innocent? Who were the officials?—I do not know who the officials were. I should say the inspector of police and the constable in charge. There were a great number of police in Castleisland at that time. They had been increased from about 10 to 100.

91,158. Although the Government—the Government officials of Castleisland—had quiet knowledge of the fact that they were innocent?—Yes.

91,159. These two men were hanged innocently, and they knew at Castleisland and Dublin Castle that they were innocent; still they hanged them, because they did not wish to stultify the obsequious hanging Cork jurors?—That was my belief at the time.

91,160. Who did you refer to?—Such men who knew it.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,161. What Government officials in Castleisland?—The people of Castleisland and the people of Kerry all said to me that they knew it very well in Castleisland.

91,162. I am not talking of that.

(*Mr. Lockwood.*) He is giving you his authority.

91,163. (*Mr. Atkinson.*) Who were the officials in Castleisland you pointed at when you said the Government officials in Castleisland knew the men were innocent?—I pointed at nobody in particular. I merely made a public statement on this basis: that every person I met in Kerry told me that Poff and Barrett were innocent, and that the officials at Castleisland knew the men who committed the deed.

91,164. Was that before their trial?—Oh no, after their trial.

91,165. Did these persons represent that they themselves knew the actually guilty parties?—No, they did not.

91,166. Who were those persons who made that representation to you?—They were the shopkeepers—my customers.

91,167. Did they say how they knew they were innocent?—No, they did not say how they knew.

91,168. Did they say they offered to come forward as witnesses on their trial to prove their innocence?—They did not.

91,169. And upon their assertion merely, that they believed Poff and Barrett to be innocent, you made this charge. Did you ask them what was the foundation for their belief?—No, I did not ask them for the foundation for their belief, but they all assured me, and I believed it was what everybody said.

91,170. Take one of them. Assume that one of your customers told you that Poff and Barrett was innocent?—But when everybody told me —

91,171. What information did you get from anybody as to the foundation or ground for their belief?—I got no further information than the assertion and the statement made by men of honour whom I had believed all my life.

91,172. What did these people know about the guilt or innocence of these men. Did they tell you what they knew about their guilt or innocence?—I took the common report of the district.

91,173. Did you ascertain on what it was founded?—How could I ascertain?

91,174. (*The President.*) You did not. Some people say to you, "They know very well" (that means the police) "these men are innocent," and upon that statement you think yourself justified in charging both those particular people, and people in Dublin, with hanging innocent men. That is your view of what is right?—Well, my Lord, everybody told me so; everybody told me so.

91,175. (*The President.*) Very well?—And I may add to that, my Lord, that the two men themselves made dying declarations to the priest who heard their last confession, which is a matter of solemnity and importance to a Roman Catholic.

91,176. (*Mr. Justice A. L. Smith.*) You said that the police officials knew who the right men were?—I was told so by persons in Castleisland and Kerry.

91,177. Why did not they hang them instead of Poff and Barrett?—They did not arrest them at all and bring them to trial. They brought these men to trial.

91,178. But why not? Your statement is that the officials knew the right men, yet they hung Poff and Barrett?—They discovered them. They knew them afterwards I suppose. Of course, in reference to this matter I do not know for a fact that there is such a place as Australia, but everybody tells me, and I believe it.

91,179. (*The President.*) That is a most ridiculous observation to make. It has no bearing upon this?—When I put, in connexion with the statements of my friends and customers in Kerry, the fact that these men made a dying declaration to their priest the night before they lost their lives, before they were hanged——

91,180. (*The President.*) That, sir, would not prove that at both Dublin Castle and Castleisland they knew these men were innocent, which was the charge?—Well, my Lord, I know these officials and I know these police, and I know they are capable of anything that is mean, contemptible, or tyrannical.

91,181. (*Mr. Atkinson.*) Do you really think that those adjectives describe the deliberate hanging of innocent men?—I believe they are capable of it.

91,182. Will you name the individuals in Castleisland?—No, I will not name the individuals. We have very sad reason in Ireland to entertain these opinions.

91,183. You are aware the two officials were examined here; one was Mr. Davis?—I am not aware that Mr. Davis was the inspector at the time.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,184. Oh, yes, he was?—I believe Mr. Davis is a very honourable man.

91,185. Then if it turns out that Mr. Davis was the man in command, you were accusing the man you believe to be honourable on the rumour of this district?—He was not the only man who was there.

91,186. But was not he the principal man in charge in Castleisland?—I am not aware that he was.

91,187. Have you ascertained at all?—No. I very probably knew who was in charge at the time.

91,188. Did you before you made this charge take the trouble of ascertaining whether the man you now say is an honourable man was not the man in charge there whom you were accusing?—I took the general report of the district, and the assertions of men who would not tell me a lie, and upon that I made my public statement, and I believe that I was not wrong.

91,189. And you believe that you were not wrong?

(*The President.*) How many times do you intend to invite this man to reiterate this shocking charge upon no foundation whatever?

(*The Witness.*) It is not a bit more shocking than deserved, my Lord, to those who were acquainted with the police practices of Ireland.

(*The President.*) I repeat, it is a shocking charge, and ought not to be advanced except upon evidence.

(*Mr. Atkinson.*) I call your Lordship's attention to page 1099, the first question of Mr. Davis' examination—

“(Q.) And were you stationed at Castleisland from the 14th December 1880

“until the 15th May 1887?—(A.) I was.”

(*Mr. Lockwood.*) What date?

(*Mr. Atkinson.*) From 1880 to 1887.

(*Mr. Lockwood.*) My Lord, I think it was in the evidence of Rice or Fawcett, or both, that they stated that there was this general belief in the innocence of these men in the district. I am quite aware, my Lord, it does not go to the full length of the matter your Lordship was dealing with; but it is only as showing there was some ground for the expression.

(*The President.*) We know very well that the populace do very frequently take up an idea of that kind. That is not a reason why a gentleman of position and a member of Parliament should repeat these statements openly without having taken any steps whatever to ascertain their truth.

(*Mr. Lockwood.*) No, my Lord; but I would only urge upon his account this (and I daresay it is a view which may have occurred to your Lordship before) we cannot help remembering there are charges of complicity with murder which have been made against him.

(*The President.*) What has that to do with the observation? It has nothing to do with the observation.

(*The Witness.*) I also put in connexion with these things the fact, my Lord, that the judge on the bench in charging the jury said in his charge there was no case to go before the jury, if the evidence of a certain woman was disregarded.

91,190. (*The President.*) I cannot disentangle this. I do not know what you are referring to. Were you present when the judge is supposed to have said this?—No, my Lord, I was not.

(*The President.*) Very well then, we cannot have it.

91,191. (*Mr. Atkinson.*) We will pass from Castleisland altogether. Did you mean to accuse the jurors who tried this case with acting on insufficient evidence?—Yes, I do.

91,192. And you think that would have no effect upon the jurors who were——

(*Mr. Lockwood.*) My Lord, I must deprecate the course my learned friend is pursuing. He is continually taking this gentleman over this ground.

(*Mr. Atkinson.*) No, my Lord, it is not the same ground.

(*Mr. Lockwood.*) One moment, please. Your Lordship has expressed (I am not making any comment upon that) your view of the matter. I think it is a little hard on the witness who has expressed this view that my friend should (apparently without any other object than bringing him into conflict with your Lordship's good judgment) pursue this matter.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

(*Mr. Atkinson.*) I deny that.

(*The President.*) It subjects me to moral torture to hear a man obliged to confess such a view of what is right.

(*The Witness.*) My Lord, before we leave, my object was, if I possibly could, to arouse and to express the popular indignation with the abominable practice of packing juries, about which Mr. Atkinson knows a great deal himself.

(*The President.*) That has nothing to do with this question.

(*Mr. Atkinson.*) Of course, my Lord, I pass by that. I do not take advantage of it here.

91,193. Now, I call your attention to your speech?—Did you on the next evening escort Timothy Hurley?—I think I met a demonstration.

91,194. Did you see the report of the proceedings in Cork in that case also?—I did, I think.

91,195. Is this accurate? You made a speech upon that occasion?—I tried to make a speech, but I was prevented by the police.

91,196. Is it true that as the train came into the station a procession was organised, and that you headed it?—I do not think I headed it.

91,197. The report is this:—

“A procession was immediately organised, and headed by Mr. J. O'Connor, M.P., who met the party at the railway. It moved towards the Victoria Hotel. Considering the short notice of the demonstration given, the numbers that had collected in the streets was extraordinary, and by the time the hotel was reached the crowd contained some thousands of people. From this a move was made to the court-house, the steps of which were already taken possession of by a large gathering. The living mass of people stretched across the whole street, and Mr. O'Connor, who was seated on an outside car, commenced to address the meeting. Up to this time there was no interference on the part of the police, who seemed completely taken by surprise at the holding of the meeting.

“Mr. O'Connor, who was received with great enthusiasm, said, Boys, I want you to give three cheers for Tim Hurley. Two days ago we escorted the Kerry prisoners to gaol. Three cheers for the gaol.

“A voice: And the plank bed.

“Mr. O'Connor: To night we escort Tim Hurley to gaol. Who is Tim Hurley?

“A voice: He is a man.

“Mr. O'Connor: He is a man who fought for his house step by step. He is a man who fought every floor of his building, as every Irishman ought to fight every floor of his building. We were prevented the other night by a paltry little fellow named Shannon, acting under orders from Dublin Castle. We were prevented from holding a meeting beneath the statue of justice.”

and so you go on. Is that a faithful report, so far as you remember?—I think, so far as you have gone, it fairly represents what I have said. What is the date of the paper?

91,198. The “Cork Herald,” 2nd December 1886. You go on to say:—

“Justice has been polluted at its source. It has been polluted within the four walls of that building (pointing to the court-house), and we are here to-night to see that if Tim Hurley is put upon his trial to-morrow he must and shall have justice, or we'll know for what.”

—I think the next paragraph Mr. Lockwood has already read.

91,199. (*Mr. Lockwood.*) Do you mean this, which begins, “We do not want to intimidate jurors”?—No, the other one on the big paper.

91,200. (*Mr. Lockwood.*)

“We assembled the other day, and we are assembled to-night to demand justice, and to demand—what? to demand *Magna Charta*, to demand the British Constitution itself, to demand that justice shall not be denied or delayed to any man. Justice has been polluted at its source.”

—That is what Mr. Atkinson is alluding to.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

(Mr. Atkinson.) I left out the allusion to *Magna Charta*.

91,201. (Mr. Lockwood.) I did not designedly put it in, I read it because it was there?—It is not a mere trifle to us.

91,202. (Mr. Atkinson.) Were you yourself a member of the grand jury at that very winter assizes?—Yes, but I did not attend.

91,203. But at the time that you were making this speech you had been summoned as a grand juror to consider the bills which were sent up against those prisoners?—I do not remember that I had received the summons, I think I had been travelling.

91,204. Did you not know that you were on the grand jury?—I cannot recall now that I was. I know that I learnt afterwards I was on the grand jury, and I went up to the meeting, and in consequence of the part that I had taken in this matter I did not serve on the grand jury after I learnt it.

91,205. What exactly was it? I have read your two speeches now. What exactly was it that you said you cried out in the crowd?—"Three cheers for a fair trial." That was the first, in order to give those boys a good cry, who began to cheer for the Kerry moonlighters. I thought that would be misunderstood and I checked it.

91,206. You did not cry out "Down with British law." I think you said that?—No, what I said was to give us the British law and constitution.

91,207. You say you did cry out "Downed with packed juries"?—Sacked juries.

91,208. Did you say that?—I said that undoubtedly.

91,209. And you did cry out "We will have no more Poff and Barrett?—"No more Poffs and Barretts."

91,210. Can you account at all for the fact not one of those expressions appears in any of the reports?—Because very probably they were not there—the reporters were not there. The demonstration took place rather hurriedly and without predetermination, and there were no reporters until we arrived of the gaol.

91,211. I know, but where was it you said "Give us British law"?—At the entry to the city.

91,213. "Give us British law" you said?—That is what I said.

91,213. Cheers were given for Poff and Barrett. That appears in the report. Cheers were given for Poff and Barrett?—Cheers were given at the gaol when I was making a speech.

91,214. You went on to say these were innocent men. It did not occur to you then to repeat this which you have said, "We will have no more Poffs and Barretts"?—No, it did not occur to me to say that.

91,215. Have you seen those words which you now mention you used, in any report?—I do not think they could have been reported because there was no reporter there. These words occurred as we were marching through the city.

91,216. And before you came to hold the meeting at all, you evidently cried out something?—I cried out these words that I refer to.

91,217. As you were walking along with the procession?—Yes; well, the first I said was, "Cheers for a fair trial." That was when I descended from the car, which I was driving, and asked men to assist me in checking these boys who were cheering for the Kerry moonlighters. And then I said, "Cheers for a fair trial" in order to give them a good cry, because I thought it would be a very bad cry for these boys to utter.

91,218. You intended to address them, did you?—Not then. It was only when the crowd swelled and when it partook of the dimensions of a demonstration that I thought it would be a good thing to give public expression to the belief that juries were packed in Ireland—were packed in Cork.

91,219. But you cried out before, "Down with packed juries"?—Yes, I had; but I thought the demonstration would be confined to that.

91,220. You received a good deal of money from time to time from Mr. Parnell, did not you?—I never received any money from Mr. Parnell except what is contained in that little book that I have furnished you.

91,221. Oh, did you not? Did you not receive considerable sums in addition to those mentioned in the book?—Yes, I was made sometimes the medium of distributing money before my arrest in 1881.

91,222. When were you arrested?—The 4th of July 1881.



9 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,223. Up to that time had you received sums amounting in the whole to about 393*l.*?—I could not tell the amount. Sometimes I received large sums of money.

91,224. For what purpose?—Well, principally for the purpose of paying sheriffs' costs—costs of sales.

91,225. There are four items in the year 1881 appearing by the account. It is the Hibernian Bank account, D 3?—What date is this?

91,226. On the 30th of March you appear to have received 7*l.* 10*s.*; on the 5th of May 1881, 175*l.*?

(*Mr. Lockwood.*) Are you sure that is from the Hibernian Bank.

(*Mr. Atkinson.*) Yes, exhibit D 3.

(*Mr. Lockwood.*) I think if my recollection is right that is one of the four books. It was one of the books produced.

91,227. (*Mr. Atkinson.*) Yes. June 1st, 175*l.*; June 9th, 11*l.*; June 24th, 23*l.* 14*s.* 6*d.*, making in all in the months of May and June, 393*l.* How was that applied?—That would mostly be for defraying sheriffs' costs—the costs of sales of farms.

91,228. Incurred how?—Incurred by allowing the interest in the farm to go for sale—to be put up for auction. Then it was usually bought in by somebody for the farmer, and the costs of the auction were defrayed by us.

91,229. That is the tenant would not pay the rent?—No.

91,230. Then the landlord got a judgment?—Yes.

91,231. Then he would sell out the tenant's interest under an execution?—Yes.

91,232. Then the interest would be bought in at a public auction on behalf of the tenant?—Yes.

91,233. And then the tenant would pay the purchase money and the costs of the sales?—Yes, and I used to refund the costs; the cost of the writ and the sheriffs'

91,234. How refund it?—Refund it to the tenant.

91,235. That is to say, the Land League bore those expenses?—The Land League bore those expenses at one phase of our movement.

91,236. And in this month that amounted to this sum?—I would not say it always amounted to that.

[Adjourned till to-morrow at 10.30.]



SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,  
PROBATE COURT No. 1,  
Wednesday, 10th July 1889.

(*Mr. Lockwood.*) Will your Lordships allow me to make an application in the case of one of the Members for whom I appear in this Inquiry, Dr. Tanner. Dr. Tanner is at present in custody, and I am anxious he should be brought over here.

(*The President.*) Yes, let the same order in his case be made.

(*The Secretary.*) For to-morrow.

(*The President.*) Yes.

(*The Secretary.*) I will send it at once.

MR. JOHN O'CONNOR, M.P., recalled; further cross-examined by Mr. ATKINSON.

91,237. I was asking you some questions in reference to the payment and the receipts of money. I observe in the month of May and June 1881 you received 393*l.* in five cheques?—In 1881.

91,238. Yes?—Early in 1881.

91,239. These are extracts of—

“Items taken from Exhibit D 4.”

Page in Book.	1881.				
				£	s. d.
5	Mar. 30	-	John O'Connor, Tralee	-	7 10 0
8	May 5	-	John O'Connor	-	175 0 6
14	June 1	-	J. O'Connor, Cork	-	175 12 9
15	„ 9	-	J. O'Connor, Cork	-	11 2 3
20	„ 24	-	G. O'Connor, Cork	-	23 14 6
					393 0 0

Did you render any account of those moneys?—I had no account to render except to present the amount and get money and distribute it.

91,240. Present what accounts?—To present the bills of law costs.

91,241. To whom did you present them?—To the central branch.

91,242. And from whom did you receive them?—I cannot tell you now. I received the moneys from those who were in charge.

91,243. And these accounts would be kept of course by the central branch as part of the document?—Those documents would very likely be kept or probably I would have transmitted the writs, the bills of costs you know—the sheriff's writs; and very likely I would have brought them back again to the farmers and returned the writs with the money.

91,244. Were these cheques that were sent to you from the head office in Dublin?—They were either sent to me or I got them. Whenever I had to lay out these heavy accounts, to get paid I attended a meeting at Dublin and presented them to the executive and advocated the claims of the tenants, and got the money if I possibly could, and in some cases I got it and in some I did not.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,245. Can you tell me of any record that would be found, where the accounts are made?—The record would be found, I suppose, in the books of the central office.

91,246. In what books?—That I do not know.

91,247. When you went to state the case of the tenants and speak for a man, did you see what entries were made?—I saw entries made in a minute book.

91,248. Of the nature of the claim?—Yes. I did not get the cheque then at the spot. I probably got the cheque the next day.

91,249. Did they take your word, or did you furnish an account?—I furnished an account always and a voucher.

91,250. And that was kept?—I cannot say it was kept; sometimes I think it was my practice to bring back the writ and hand it to the tenants with the amount he had paid.

91,251. The writ would not be a voucher for the amount of the sheriff's costs?—I would present a list of those matters.

91,252. Of the expenditure?—Yes.

91,253. You said you would get the cheques; would the cheques be cheques from the treasurer of the League?—Yes, certainly.

91,254. That is Dr. Kenny?—Dr. Kenny was not the treasurer then.

91,255. Mr. Egan?—Mr. Egan was treasurer; and sometimes from the organizing secretary.

91,256. Who was he?—The organizer; the chief organizer. Mr. Dillon was organizer, I think.

91,257. Did Mr. Dillon sign the cheques?—I cannot tell you now who signed the cheques.

91,258. Do not you remember who signed the cheques?—Indeed I do not. I think that is too much to expect of me to remember every cheque I paid 10 years ago.

91,259. You see these are large cheques; there is one for 175*l.*?—It was nothing at all unusual for me to get large cheques every day, both in my own business and in politics.

91,260. I am not speaking of your own business?—How can I remember.

91,261. Do you not remember how the business was conducted; who it was who generally drew the cheques?—I could not say who drew the cheques, I think I got them from various people.

91,262. My Lord, these payments appear in D. 3. Now in addition to those I see there are other items beginning on the 23rd of May 1883, amounting to 342*l.* 1*s.*, and going down to May 1884. I presume it is May the following year?

“ Items taken from Exhibit D. 3 of payments to John O'Connor :—

	£	s.	d.
“ May 23rd - - - - -	20	0	0
“ June 6 - - - - -	31	14	0
“ ” 7 - - - - -	10	0	0
“ July 9 - - - - -	10	0	0
“ August 10 - - - - -	30	0	0
“ October 20 - - - - -	100	0	0
“ November 21 - - - - -	10	0	0
“ December 14 - - - - -	16	0	0
“ ” 17 - - - - -	5	0	0
“ February 2 - - - - -	50	0	0
“ ” 27 - - - - -	20	0	0
“ April 16 - - - - -	20	0	0
“ May 17 - - - - -	20	0	0
	<u>£242</u>	<u>14</u>	<u>0</u>

—Well, those are accounted for in that small book I have given you, I think.

91,263. No, those are outside and different from the small book altogether. I think you will find those appear, my Lord, in Exhibit D. 4?—I do not think I have entered in that small book all the money I got from Mr. Parnell.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,264. You will find that these entries do not at all correspond with the entries in the small book?—There is 100*l.* here. I think those must be expenses connected with the National League.

(*Sir C. Russell.*) 1883?

(*Mr. Atkinson.*) No, I beg your pardon.

(*The Witness.*) These would be expenditure on account of National League.

91,265. Do you observe they begin after this book of yours is closed?—After. That would exactly correspond with my statement of yesterday, that I kept that book only while there was our organisation.

91,266. When did the organisation come into existence?—That is an interval between my release, or between the suppression of the Land League and the establishment of the National League, and these accounts would very probably be in the National League book.

91,267. What is the date of the first item?—There is an item here of October 20th.

91,268. What year?—1883, would not it be, I suppose.

91,269. What is the date of the first item?—The 23rd of May, 20*l.*

91,270. 1883?—Yes.

91,271. Do not you see that is only a month after?—Of course. I am taking your statement that it is 1883. I have that 100*l.*

(*Mr. Lockwood.*) What is this?

(*Mr. Atkinson.*) Particulars made out from Mr. O'Connor's counterfoils, and also Mr. Parnell's account.

(*The Witness.*) This 100*l.* I remember was for the purpose of registration; and this is the account of the expenditure.

91,272. Do you observe that that account opens in the month of May 1883?—Yes.

91,273. Do you observe that this one closes in the previous month, April 1883?—Yes, I observe that. Well, that corresponds with my statement.

91,274. How? Did the National League spring into existence in the month of May 1883?—Yes, very probably it did.

91,275. (*The President.*) There was another association which Mr. O'Connor spoke of?—Yes, my Lord, the Labour Organisation.

91,276. (*Mr. Atkinson.*) Now give me back those (*Book O'Connor No. 1 handed to Counsel*)?—That bears my statement out.

91,277. We will see in a moment. Do you know when the National League came into existence?—I do not remember the exact date.

91,278. Do not you know that it was in existence at the time covered by this book of yours?—It may have been; but those moneys were given to me for a special purpose.

91,279. We shall come to that presently. Now in 12 months I see, from May 23rd, 1883, to May 17th, 1884, apparently, you received 324*l.* 14*s.* What was that for?—Well, I would have kept no account of these moneys; they would have gone into the books of the National League of Cork very likely, or that Labour Organisation, and I will tell you what they possibly might be for.

91,280. I would rather hear what they were for, than what they possibly might be for?—I am going to explain them to the best of my recollection. The 100*l.* that is here is for registration. I got that, and I expended it myself.

91,281. Which 100*l.* is that?—October 20th.

91,282. 1883?—And that is the account of the expenditure of it.

91,283. Well, if that be so, did not you get 100*l.* on the 14th of March 1883; another 100*l.*?—I do not know. 100*l.*? Is it in that small book?

91,284. There is 100*l.* there, but there is no date to it?—These were merely note books I kept in my pocket, and I was not very accurate as to the dates, at least I did not enter the dates because I had no occasion.

91,285. (*Mr. Lockwood.*) Would you let me have a copy of that?—These items; there is nothing wonderful about these.

91,286. (*Mr. Atkinson.*) You say this purports to be an account of the expenditure of this 100*l.* for registration?—Of some 100*l.*

91,287. There is no date to any item from beginning to end?—No, they were all spent.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,288. Can you tell us when you got this 100*l.*?—I cannot tell you. It is very likely that 100*l.*—At that time we paid great attention to registration all over the country. I think it was the year 1883 and 1884—it was prior to the general election—and we were very anxious to get voters on the list, and I spent that 100*l.* in the manner I have there, and any money I spent myself I kept an account of, any money I did not spend I have no account here.

91,289. For what purposes were these moneys applied; the 343*l.* received in the year May 1883—May 1884?—Well, as to the manner of expending money at that time, there were various ways. First of all there was one way; we absorbed a good deal of the money of these small sums because they are so numerous; the small sums, are they not?

91,290. Yes. How did you expend them?—Well, the Committee of the Cork Branch of the National League, as well as the Land League, were active and earnest men, and they were devoting their energies to extending our organisation, and we paid their expenses. They devoted their time and their ability to the National League purposes, and I used to apply for their expenses, and get them back, keeping it entirely distinct from the National League, or the Land League in Cork. I used to take up their accounts and get them paid—these small items, extending over a long period.

91,291. They are only over 12 months amounting to nearly 343*l.* How were the earnest men incurring in this way expenses up to 343*l.* in 12 months?—I do not say it was all, that would account for some of it.

91,292. 343*l.* is the total; 100*l.* was applied to registration purposes, you say; what was the balance 243*l.* applied to?—It was for the purposes of the organisation in some way or the other, I cannot explain it now; I have not the books.

91,293. Here is Mr. Parnell's account; I see you get 100*l.* on the 14th March; you get 20*l.* on the 8th May; on the 6th June you get 31*l.*; on the 10th August, 30*l.*; on the 20th October, 100*l.*; on the 15th December, 95*l.*; how were these moneys expended?—I cannot tell you exactly how they were expended. When we had an organisation in Cork I had these accounts audited by the Cork Committee, and when once they were audited, checked, and entered, I blotted them out of my memory.

91,294. Was that the time of the National League?—That was the time of the National League.

91,295. Does the National League exist in Cork still?—I tell you I kept an account of no expenditure except when there was no organisation and no books; what I was personally responsible for I kept an accurate account of.

91,296. Was not there an organisation from October 1882?—From October 1882?

91,297. Yes?—I do not think there was, except a labour organisation.

91,298. Do you mean to say the National League was not in existence in October 1882?—I do not think it was in Cork.

91,299. Were you getting moneys from the Central League in Dublin up to 343*l.* in 12 months; were you getting these moneys and applying them to the purposes of different organisations?—For the purpose of organisation generally.

91,300. What organisation?—I applied them to the purpose of whatever organisation was in existence.

91,301. What was it?—I have told you already the labour organisation was then in existence.

91,302. I understood you to say that this small book of yours was the book that dealt with those you applied to the labour organisation?—I did not say anything of the kind; I said, as Mr. Parnell stated in this box, to the payment of liabilities that were incurred while we were in prison.

91,303. Then that has nothing to do with these other two accounts?—Nothing whatever; they were accounts that were due when I came out of prison; I will tell you how it is.

91,304. Confine yourself to the account, that appears in Mr. Parnell's book extending over 12 months; have you any account of how you applied these moneys from May 1883 to May 1884; 343*l.*?—I have no account, because I applied them for the purposes of the organisation that is in question.

91,305. Did you return to them an account of how you had expended them, in any shape?—Of course I had the expenditure audited by the Committee.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,306. What was the nature of the expenditure?—I have told you we spent a good deal on organisation.

91,307. In what form?—In the payment of expenses.

91,308. What kind of expenses?—Of travelling.

91,309. To whom was it made?—The expenses of the Committee of the Cork Branch, and other men who devoted their time.

91,310. What were their names?—Well, there was Alderman John O'Brien, who used to travel a good deal for us; Mr. James Flynn used to travel a good deal for us; Mr. Robert Walsh, he used to travel sometime for us, and speak; a gentleman of the name of Aherne used to travel; and all the members of an active committee from time to time, they used to attend different meetings almost every week.

91,311. Did you pay them by cheque?—No, I did not; I used to pay them in cash.

91,312. When you got these cheques down, for instance, a cheque for 50*l.* or 100*l.*, what used you to do with it?—If you want to know whether I paid any money by cheque for any purpose of this account, my bank account is open to you.

91,313. Kindly answer the question; do you see February 4th, 50*l.*, did you cash that when you got it?—I could not tell you. I cash money every day, and I lodge money every day, and I paid some of these costs by cheque very likely.

91,314. Did these gentlemen keep an account of the expenditure?—Most decidedly, before they were paid.

91,315. Did you keep the accounts?—No, I did not.

91,316. What did you do with them?—I left them at the League office.

91,317. In Cork?—Yes. I do not think they would have been filed because when these accounts were paid the incident was closed, and there was no occasion for keeping these accounts, because they did not concern the business of the Cork branch.

91,318. Were they not kept at the League office?—They would not have been kept in connexion with the accounts of the Cork branch, it was not the business of the Cork branch.

91,319. What business was it?—It was voluntary work done by these people.

91,320. For which they were paid?—They were not paid, they gave their ability and their time for nothing, and they merely got their train fares and, perhaps,—Well, I do not think they ever got their hotel bill, merely train fare and car hire; and that is only one way in which the money could be spent, there were various other ways.

91,321. What were the other ways?—Well, at that time the Government were very active in suppressing our meetings; they were very reluctant to allow us to establish this organization for some time, and it used to cost a great deal of money to try and hold meetings without the knowledge of the police, and we had to hold many meetings where one would suffice if we were allowed, and car hire was very large; it amounted to a great deal, car hire did. Sometimes we would have to employ four or five horses and cars in order to hold these meetings.

91,322. I suppose the owners of these cars sent in bills?—Yes.

91,323. Is there any place or record of them, where they were kept, any book in which they were entered, or any bill?—No, these would not have been entered in connection with the business of the Cork branch, because it was outside the business of the Cork branch, though the men who expended the money were members of the Cork branch.

91,324. Would it be entered in any book of any branch?—No, the amount, and the amount only, would be entered in the Dublin books just as you have got them, but these sums were for the legitimate purposes of organization.

(*Mr. Lockwood.*) I am sorry to interrupt you, but I understand this begins from the 23rd May 1883. My learned friend has got, my Lord, a series of items amounting to 342*l.* 14*s.* 0*d.*, that includes a payment of 100*l.*, and there is another 100*l.*

(*Mr. Atkinson.*) Yes, in October.

(*Mr. Lockwood.*) May I ask you where they are taken from?

(*Mr. Atkinson.*) Mr. Parnell's account, and also the counterfoils of this cheque book.

91,325. (*Mr. Lockwood.*) Not from this book?—I think some of those items went for the same purpose as in that book, I do not think that 950*l.* acknowledged there, paid all the liabilities.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,326. (*Mr. Atkinson.*) Do you observe some entries on the first page of that book, what do those entries purport to be?—I do not know, I think they purport to be a portion of the accounts contained on the other pages.

91,327. Do not they purport to be receipts?—Receipts? No, for instance, there is 5*l.* here for Kanturk, and you will see it on the next page also. You will see 30*l.* to Dunlee here, and you will see 30*l.* on the next page there; and you will see they are transferred there exactly the same if you will pay a little——

91,328. Do you see the first item, 723*l.*?—That is merely some tot of the other.

91,329. Of what?—The tot of those columns at some stage.

91,330. No?—Yes, at some stage of the entries.

91,331. If you look at the tot you will find it does not come to any such sum?—At some stage of the entries.

91,332. No, if you tot all the items you will find they do not amount to 723*l.*?—Oh, yes, they do, because I brought forward only the balances; you see these sums are made—that 723*l.* probably was—a tot of the expenditure at some stage of the account.

91,333. What is it?—It is a note and memorandum.

91,334. What is this 500*l.*; what is that item?—It is very likely that points to another portion.

91,335. Did you receive two cheques, one for 100*l.* and a cheque for 400*l.*?—Anything you have on those accounts I received.

91,336. When did you receive this?—Sometime at the end of 1882, or the beginning of 1883—sometime at the end of 1882.

91,337. None of these items are Mr. Parnell's?—All those items are received by me after my release.

91,338. When was your release?—In July 1882.

91,339. The Hibernian Bank account closes earlier?—Sometime in that year.

91,340. In July 1882?—Sometime in that year.

91,341. From whom did you get them?—From Mr. Parnell.

91,342. For what purpose?—For the purposes set out on the other side of the book; you see that is a debit and credit account.

91,343. Do you know on what banks those cheques were drawn?—I do not remember now.

91,344. Do you see that sum for 400*l.*, did you pay that into your bank?—I may have.

91,345. Did you?—I cannot possibly say; very probably I did.

91,346. Have you got your bank book here?—I have not.

91,347. What bank did you pay it into?—It would be into the National Bank, Cork.

91,348. You cannot tell what bank it was drawn on?—I cannot tell; if I could, I would.

91,349. Have you got your bank books so that we can find the date it was paid in?—The bank book? I cannot tell you now whether I have my bank book or not; I will make a search for it if you wish.

91,350. The cheques that you paid in, have they been returned to you or not?—They have been; I think I destroyed them when I closed my account in Cork.

91,351. You cannot give their Lordships any idea of the bank on which this cheque of Mr. Parnell's was drawn in 1882?—It is too much to expect a man, handling cheques every day for years, to say what bank a particular cheque was drawn on.

91,352. Do these items apply to the other side?—The same applies to the other cheques, I got the money—that was the amount that came and I distributed it.

91,353. Do those items on the other side constitute the disbursements?—They constitute the disbursements.

91,354. Did you submit that account to any body of persons or any individual?—Yes, I showed it to some men in Cork.

91,355. What was the society for which you say you were making these disbursements?—For no society.

91,356. What was the purpose?—I told you before they were liabilities incurred while I was in prison. I will tell you how it is. I started to tell you awhile ago.

91,357. There are the names of a number of solicitors there, I think?—There are.

91,358. Were they for costs incurred?—Yes.

91,359. In what?—Principally in the defence of prisoners.

91,360. I see Mr. Horgan. He is a solicitor in Cork, is he not?—Yes.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,361. 50*l.* His bill was 106*l.* and he got 50*l.* cash?—He got more than that, as you will see if you turn over.

91,362. What is the meaning of those items?—You will see a double column there. The inner column is the amount due. The outer columns are the amounts paid. You will see that I paid Mr. Horgan some more money. They were all good enough to take a large amount off. I see I paid him 40*l.*, and in some cases I deducted an amount of money. I made a large deduction there from Mr. Deyos's bill because I was not pleased with the defence. I was not pleased to find that some people had been defended that ought not to have been defended I thought. I think I made a deduction on account of Connell the informer out of Mr. Deyos's bill.

91,363. Do I understand this bill of Mr. Deyos was for the defence of a number of moonlighters from Mill Street?—I could not tell you for the defence of whom. I think, to the best of my belief, I had a quarrel with Mr. Deyos's clerk. He was ill himself at the time, and I said if I had been out of prison many of these people would not have been defended. As the account was due I would do the best I could with it, but there should be a deduction on account of some of these men who had been convicted, and I think, to the best of my belief, I quarrelled about the payment; and I think I did not pay for Connell, who was a murderer and an informer.

91,364. But did you not pay for the batch of prisoners of whom Connell was one?—I paid every debt that was due; every debt that I thought to be a debt of honour.

91,365. That is not my question?—Incurred at a time when we could not have any proper supervision over the accounts.

91,366. Did you not pay the cost of the defence of the batch of prisoners of which Connell was one?—That I cannot tell you because, unfortunately, these bills have been lost.

91,367. What do you mean by saying you did not?—The accounts corresponding to these amounts set forth in that book I kept in my office on a file.

91,368. But did not you, yourself, a few moments ago, give as a reason for cutting down Mr. Deyos's bill, that he had defended Connell?—Yes, I think that is my recollection.

91,369. Connell amongst others?—As well as the others.

91,370. Were not they a number of prisoners that were tried at the winter assizes for committing moonlighting outrages at Mushra Mountain, near Mill Street?—Yes; and I believe the vast majority of them were acquitted.

91,371. Some of them were convicted?—Some of them were convicted, but still I never would make that a reason why men should not be defended, because, unfortunately, men in Ireland have all the odds against them, and if there was an error made in defending a man, I think it was an error on the right side.

91,372. Then why did you object to defending Connell?—Because he was a bad character.

91,373. Is it because he turned informer?—No, because he swore that he killed a man.

91,374. Swore that he killed a man?—I believe he admitted that he shot a man.

91,375. Where?—Before he was arrested. He shot a man named O'Leary.

91,376. To whom?—It came out on the trial.

91,377. Do you mean to say that?—He was examined on the point.

91,378. Do you mean to say that?—I cannot assert it positively.

91,379. Did you ever read the report of the trial?—I think I must have read it when I was in prison in Kilmainham.

91,380. That Connell admitted shooting a man?—Well, it was broadly stated. It was stated that he had; it came out on the trial.

91,381. In what paper did you read that statement?—I read it in the "Freeman's Journal," I think.

91,382. On the occasion of the trial?—I do not know whether it was on the occasion of the trial, but it was on the occasion of some investigation into the matter.

91,383. That Connell admitted that upon oath?—It was sworn to by somebody.

91,384. What was sworn to?—That he shot O'Leary.

91,385. Could you find that report at all, do you think?—Probably I could, if I had the time and the liberty to do so.

91,386. About when was it?—It was about 1881 or 1882. It was in 1881, I think.

91,387. At what time of the year?—It was the autumn of the year.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,388. The autumn of 1881?—Yes. Perhaps the trial occurred early in 1882. It may have.

91,389. If the trial only took place early in 1882, it is difficult to see how he could have admitted it on the trial in 1881?—There were so many trials, and so many people tried. Of course I had no reason or object in fixing these things on my memory, and preserving these dates. Of course you gentlemen being engaged in these matters would have a more distinct recollection than I.

91,390. I want to know if you can at all indicate where you saw the statement. Do you know that Connell was only examined twice upon oath?—I do not know how many times he was examined.

91,391. What is that name? Is that another solicitor?—"Dunmanway"; no, that is not a solicitor.

91,392. What is that item "Dunmanway, 100l."?—That is to defray law costs incurred by some men in Dunmanway who boycotted a fair, and they were brought into court for so doing by Colonel Shuldham, and they were mulcted in very heavy damages, and the people of the district made up a large subscription to defray the costs of this law suit. The men were nearly ruined, and I gave them that 100l. as a subscription to the costs of the suit.

91,393. Colonel Shuldham was a local landlord?—Colonel Shuldham was a local landlord, and lord of the manor.

91,394. And had the right of holding a fair?—And had the right of holding a fair which these people illegally interfered with.

91,395. You came forward and paid part of their damages?—These men were nearly brought to ruin, and the people in the district started a subscription list for them and were not able to make it all up, and asked me to do something, and I gave 100l.

91,396. Had Colonel Shuldham been boycotted by the League?—I do not think he had been boycotted, except his fair.

91,397. Had the fair been boycotted?—They established another fair. They thought they were within their right to establish another fair. That was done in many other places, and it was proved they had no right in court.

91,398. "Kepple," that is a solicitor, is it not, 20l.?—Yes.

91,399. "O'Neill 10l., Cronin 131l." What is O'Neill 65l.?—O'Neill was the assistant secretary of the Cork branch of the League.

91,400. What League?—The Cork branch of the Land League. He was arrested. He was the assistant secretary of the Land League. He was arrested some time after I had been sent to prison, and his salary was left due and was never paid all the time that he was in prison until I came out and picked up these things.

91,401. There is "Cronin, 131l." What is that for?—That is the caterer who supplied prisoners in Cork prison with food—Richard Cronin.

91,402. Who were the prisoners?—That I cannot tell you, because I believe they were from all parts of the country.

91,403. Did he send in any bill?—Yes, he sent in bills.

91,404. Was P. W. Nally one of the prisoners, do you know?—I do not think so. He certainly, I believe, supplied Mr. Nally with food, but his friends from Mayo, if I remember rightly, paid for the food. Mr. Cronin supplied everybody who was willing to pay him.

91,405. Was not that bill of 131l. in respect of the maintenance of a number of prisoners from the county of Mayo who were in on a charge of conspiracy to murder?—No, I think it was in respect principally of those men who were in from Millstreet and were acquitted.

91,406. Have you any account?—No, I told you these accounts had been destroyed.

91,407. By whom?—By fire.

91,408. Accidental fire?—An accidental fire. My office and stores were burnt down, and these documents I am very sorry to say were destroyed; but this book I fortunately had on my person. I always carried it about with me.

91,409. Did you apply to Cronin at all for a bill?—Of course he furnished me with an account.

91,410. But recently you did not apply to him for it?—No; I do not suppose he had it.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,411. I see an entry here of "Hurley, 28*l.* 6*s.* 10*d.*"; what is that?—You see the second line is "Gilhooly, for cash of Mahony and Hurley, 28*l.* 6*s.* 10*d.*" I do not remember what that is for. I think they were some law costs incurred in the case of Mr. Gilhooly of Bantry.

91,412. How did it come that you omitted to make any mention of this account book in your affidavit of documents?—I did not look upon it as a document at all, and it was only a few days ago that I discovered it. I got permission from my law adviser, my counsel, to go to my lodgings in London and see if I had any papers that would throw light on these accounts. I never made a statement at all.

91,413. You never made an affidavit?—I made no affidavit..

(*Mr. Lockwood.*) Your Lordship will remember, I daresay, that a special application had to be made to your Lordships that the parole should be extended to allow Mr. O'Connor to go to his rooms in London to make search for his papers.

91,414. (*Mr. Atkinson.*) When were you committed to prison?—May 1st, I think.

91,415. First of May in the present year? Then in October last you were not in prison?—No.

91,416. How did you come to make that statement?—Well I think this is quite right, because I did not understand at the time I signed that document that the scope of the Inquiry would extend to these accounts.

91,417. The disbursement of the Land League moneys?—To the disbursement of the money that I got to pay off these liabilities.

91,418. Did you not know they were Land League moneys?—Another thing I did not know I had that book. I thought that book was consumed with the others.

91,419. Do you observe that you say that you have not now, and never had in your possession, custody, or power of procurement, any deed, account book, voucher, receipt, letter, memorandum, paper or writing, or any copy extract thereof, or any other document relating to the matters in question in this Commission, or wherein any entry has been made relative to such matters?—Well, at the time I did not understand that these things would form the subject of inquiry, nor did I know that I had that book, because if I had that book I would be only too willing to produce it, or any other thing in my possession. I have no object in concealing anything, and I have nothing to conceal.

91,420. Did you not remember that you had it at one time?—No, I did not, because I never kept the accounts at all of the National League, or of the Land League. I never kept the accounts. The accounts were kept in offices. My position was an honorary one. I had an assistant secretary at Cork. There were books there. I did not keep those books. The treasurer kept the accounts. I did not keep the accounts. Therefore, I believed I was perfectly safe in signing that document. This little book was only, as I said before, for an interval when there was no organisation, and I kept it, and believe I kept it for my own credit's sake.

91,421. Now, as to these different solicitors whose names are mentioned there, are they all alive?—That I do not know.

91,422. Is not Mr. Deyos alive?—Well, I do not know; he was very ill some time ago, and I am not sure whether he is alive.

91,423. Did you ever hear of his death?—I do not remember. I heard of his being very ill.

91,424. Did you hear of his death?—I cannot recall.

91,425. Is Mr. Horgan alive?—He is, I am very glad to say.

91,426. They all live in Cork?—They all live in Cork.

91,427. Have you applied to any of those gentlemen to get their bills of costs to see what these moneys were paid to them for?—Yes.

91,428. Have you got them?—I have not. I have not applied. You can apply if you like. Why should I go to the trouble of it? I pay the money for legitimate and proper purposes. I think it is a very proper purpose to secure people a fair trial under any circumstances.

91,429. Was it the organisation of the National League that this money was spent upon?—Which money?



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,430. Those large sums, 343*l.*?—It would be on the organisation of the National League and for purposes of agitation, for purposes of the movement; sometimes, perhaps, to help farmers.

91,431. Then would it be accurate to say, speaking of the moneys, that—

“Upon that movement,”

that is referring to the Land League movement,

“250,000*l.* sterling was spent in organising the tenantry, and in persuading them

“to resist the payment of rents which were admittedly, at the time, rack-rents.

“That movement resulted in the passing of the Land Act of 1881. But upon

“the present movement not one single penny has been spent.”

If that was spoken in the month of January 1886, would it be true?

(*The President.*) What are you reading from?

91,432. (*Mr. Atkinson.*) I am reading from a speech of Mr. Parnell's, made in the House of Commons on the 23rd January 1886, volume 302 of Hansard, page 155. Then it goes on to say:

“In addition to the repressing and restraining influences we have exercised, we have refrained from making any expenditure whatever in aid of the movement for the reduction of rents, to which the right hon. gentleman, the Chancellor of the Exchequer, has referred.”

You see that is for the reduction of rents.

91,433. No, but upon the present movement not a single penny has been spent?—That is the movement for the reduction of rents.

91,434. Then he goes on to say:

“It cannot be said that it has been a movement which has been encouraged and fomented by the National League.”

Well, you see, that is distinct—encouraged by the National League. That is distinct from the movement for the reduction of rents. I think the speech speaks for itself. It divides the two subjects.

91,435. Did you not say that some moneys you have referred to were spent upon farmers?—I said it might have been. I did not say positively, because I cannot recall.

91,436. In this speech to which I called your attention yesterday, there is one passage dealing with another matter I wish to ask you a question about. Having made the speech containing the paragraph I referred to yesterday, you go on to say:

“It was only by going to prison, by treading the scaffold, that anything was won for Ireland. They must make the government of Ireland by the English people impossible in Ireland.”

That was addressed to that crowd. What did you mean to convey by that? It is reported in the “Herald” of the 30th of November 1886?—Well, I cannot find that in the report of my speech.

(*Mr. Lockwood.*) I think I can furnish you with it.

91,437. (*Mr. Atkinson.*) I read it out yesterday?—Where was the speech delivered, at the gaol?

91,438. It is the speech I read yesterday from the “Cork Herald” of the 30th of November 1886?—Outside the gaol would it be? Yes, “by treading the scaffold that anything was won for Ireland”; you are quite right.

91,439. Have you not found it?—Yes, I have. “They must make the government of Ireland by the English people impossible.”

91,440. “It was only by going to prison, by treading the scaffold,” and then you follow, “They must make the government of Ireland by the English people impossible in Ireland”?—Well, unfortunately a good many of our fellow countrymen have trod the scaffold, and I do not think they are regarded by their fellow countrymen as being anything the worse for it.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,441. Do you understand my question?—What did you mean to convey by the words “They must make the government of Ireland by the English people impossible in Ireland”?—To show that the English people were utterly incapable of governing the people of Ireland according to Irish ideas.

91,442. How were they to make it impossible?—By demonstrating their incapacity to govern Ireland.

91,443. How? Demonstrating it how?—By showing their inability to satisfy the wants and requirements of the people

91,444. In what way?—By speech and by demonstration, by pointing out the state of the country; by pointing out the rack-rented tenantry, by pointing out the undeveloped resources of Ireland, and by pointing out the emigration of a people from a country that is capable of supporting double its present population; by all these means to demonstrate the incapacity of the English people to make the Irish people happy.

91,445. That was the way to make the English Government impossible?—That was the way to show that it was impossible for one people to govern another who did not understand them.

91,446. But you used the words “to make it impossible”?—I think that is a mistake, because that would not be in my mind at all.

91,447. How was it that when you were showing the way that Ireland was to be won you said nothing at all about this?

(Mr. Lockwood.) I do not think that is true.

91,448. (Mr. Atkinson.) Yes. “It was only by going to prison, by treading the scaffold, that anything was won for Ireland. They must make the government of Ireland by the English people impossible in Ireland”?—I do not remember. It was never in my mind to use such an expression as that—to make the government of Ireland impossible.

91,449. You see you used it?—There was no necessity to make it, because the facts demonstrated themselves every day.

91,450. Then there was the less excuse for making it, if it was unnecessary?—Yes, if I made the speech.

91,451. Have you any doubt you made it?—Well, I have a doubt I used that word. I should not like to use that “making the government of Ireland by England impossible.”

91,452. You have the account?—Yes.

91,453. When did you cut it out?—I cut it out in my cell the other day, and marked it.

91,454. You read it over then?—Yes.

91,455. Did you make any mark opposite this phrase?—Yes, I drew a long black stroke all along down that passage you have just read.

91,456. Did you query it in any way, as if you had not made it?—I did. I made a note of interrogation in my own mind about it.

91,457. Your own mind? Kindly show me the paper. [It was handed.] This begins thus:—

“I accompanied the prisoners to the gaol, and outside the gaol I took advantage of the presence of a great number of people to inveigh against the abominable practice of jury packing. The following are our speeches.”

Quite so.

91,458. How was it you did not make any note upon it, if you were not perfectly convinced you had spoken those words?—Well, I suppose I perhaps was not industrious enough to do so.

91,459. Had you a doubt at the time you looked over the speech that you had used those words?—Yes, I thought it very strong language, and I thought it would be a very indiscreet expression, and I thought I never made it.

91,460. Why, then, did you write upon the top of the speech containing that very phrase: “These are our speeches”?—“The following are our speeches.”

91,461. “The following are our speeches”?—I should have said, “the report of our speeches.”

91,462. Why did you not say it was inaccurate? You read it of course?—I think I only glanced over it.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,463. Only glanced over it?—Yes, only glanced over it. I read it. I read it hastily through.

91,464. (*Mr. Lockwood.*) Let me look at that paper?—I do not think it is a great deal.

91,465. (*Mr. Atkinson.*) You do not think it is objectionable?—I should not like to make such a speech. I should not like to use that word “make”; because there is no necessity. The facts demonstrate themselves. The fact of the government of Ireland being impossible demonstrates itself every day, unfortunately.

91,466. How? Is it because they are not able to repress crime?—No; by the emigration of the people, and by the inability of the farmers to pay their rents, and by the waste lands, and the undeveloped resources of the country.

91,467. And that is what you had in your mind? All those things you had in your mind when you made that speech?—That fact is always present to my mind, when I make every speech.

91,468. Very well, I will pass from that. Do you remember being in Tipperary and making a speech in Tipperary on the 8th of October last year?—Yes, that was after this Commission began. It was on the 7th of October last year. That is the speech for which I am at present undergoing a term of imprisonment. I think this Court was constituted before that speech was made.

91,469. Had you been well acquainted with Tipperary?—Well, I have represented Tipperary since 1885, as I told you yesterday—since the early part of 1885—and I have not been very much there since.

91,470. Was Tipperary forward in the agitation?—Well, I did not think it was very forward in the agitation. It was forward in this respect—that they very generously, out of their own resources, assisted the people of Ireland to conduct a movement for which they have no necessity themselves.

91,471. They were comparatively supine then, except that they subscribed?—Except that they subscribed, they were comparatively supine.

91,472. And took no part in the agitation?—They took part inasmuch as every man in Tipperary is enrolled in the ranks of the National League.

91,473. But there is no agitation?—They have no necessity to agitate—not very much you know; but as to the speech you are going to refer to, if you are going to read it at all, you ought to read it from beginning to end, because it is a political speech, and the advice that you are now going to read, which I gave the Tipperary people, was given for a political reason—to demonstrate the failure of the Coercion Act.

91,474. Did you hear Mr. O'Brien's evidence?—I read it.

91,475. Do you remember that he stated that Tipperary was one of those places where the Land League was strongest?—So it is, in point of numbers and wealth.

91,476. But they have no necessity for it? There is no necessity for its action?—There is no necessity beyond their strong desire to aid every national movement.

91,477. Mr. O'Brien selected Tipperary as a place where the League was strongest. At page 4629 Mr. O'Brien is asked, “Has the National League been strong in Tipperary?” and he says, “Yes, if I were asked to point out a stronghold in Ireland, I should take Tipperary as the one;” but you say they were not active; they had no necessity for action. Now listen to your speech:—

“Now I say that we will have to demonstrate the failure of the Act of Parliament, and I am here to-day, your representative, to ask you Tipperary men to help us to make this demonstration. We have been going on without you. We have been winning without you. You have not been in line with the Irish people. My friends, you must have a hand in helping to reach the final goal of Irish independence.”

Was it not true, therefore, that Tipperary had been behindhand?

(*The President.*) Whose language is that?

(*Mr. Atkinson.*) That is Mr. O'Connor's speech. It is taken from the “Freeman's Journal” of the 8th October 1888.

(*Witness.*) They were not as active as they might be.

91,478. What did you mean by saying, “We have been going on without you. We have been winning without you. You have not been in line with the Irish people”?—I said they were not very active in agitation, and, if I may explain about that speech,



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

Mr. Balfour had a short time before said that his Act of Parliament was a success. Well, I did not believe it was a success, and I said to the Tipperary people that unhappily it was necessary for us to demonstrate the failure of these Acts of Parliament; but I asked the Tipperary people to help us to make the demonstration, and I think they have done so, because there were not many Tipperary men in prison—there was no Tipperary man in prison at that time—but there are a great many in prison now.

91,479. Do you mean to say your speech was to encourage them to commit some crime to go to prison?—No, I never encouraged a man to commit a crime.

91,480. What do you mean by saying there were no men in prison then, and there are a great many in prison now?—Because they have shown themselves active in demonstrating the wants of the country.

91,481. In what way? Is it by committing crimes?—Not by committing crimes; I never encouraged men to commit crime. I repudiate the assertion.

91,482. But by doing something for which they were sent to prison?—I do not consider I am a criminal, and I am in prison.

91,483. You select the fact that they are in prison now as a test, do you not?—Yes.

91,484. A test of what?—Because they have compelled Mr. Balfour, who boasted that the Act was a success, to put it in operation, and put them into prison for speeches and things like that.

91,485. Do you wish me to read the speech?—I have no desire. I never care to hear my own speeches read, and I never care to make them.

91,486. You say:—

“ I have been up and down through gallant Tipperary for the past few days,

“ and what did I find, that it is the snug and comfortable home of the landlord

“ and the emergency man.”

—I did not say “landlord.” That is a mistake.

91,487. What did you say?—Land-grabber.

91,488. “Land-grabber and emergency man.”

“ Ah, has it come to this, my friends, that Tipperary, the very name of  
 “ which in the past made landlordism quake for fear, that Tipperary that many  
 “ a time and oft compelled the oppressor to lay down his arms, that Tipperary  
 “ that was always known to be the advance post and vanguard of justice and  
 “ of liberty, has become the peaceful rest, the head-quarters, aye, the basis of  
 “ operations from which to evict the homes of the surrounding country. I tell  
 “ you I am speaking by the book, and what I know to be the case; I could name  
 “ the places, and I will before long. When such things can take place there  
 “ must be something rotten in the state of Tipperary. It is to remedy that state  
 “ of things that you are assembled here to-day, and it is to remedy that state of  
 “ things that I am going to speak to you to-day.”

Do you know a man of the name of Farrell?—Who?

91,489. Do you know a man named Farrell—did a man named Farrell come to Cork in 1886?—I do not remember.

(*Sir C. Russell.*) Has he any name beside Farrell?

(*Mr. Atkinson*) I am not aware of it.

91,490. Did he come from America—Philip Farrell?—I do not know him.

91,491. Did any person of the name of Farrell pay a visit to you in July 1886?—I do not think so; I have no recollection of it.

91,492. Did any person who represented himself as coming from the United States visit you in July 1886?—I met a great many people from America from time to time passing through; Cork was their first port of call.

91,493. Did a man named Farrell present a letter of introduction to you from Mr. Patrick Egan about this time?—No, I think not.

91,494. Are you certain of that?—I am certain I have no recollection of it. I do not think such a thing occurred at all. I have never had a letter from Mr. Egan to my knowledge. I think you must be making a mistake about that.

91,495. Are you confident that no person came to you representing that he came from America?—So many persons called to see me at Cork. I will not swear positively, but I have no recollection of anything of the kind.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,496. Will you undertake to say that a man of the name of Farrell did not present to you a letter of introduction from Mr. Patrick Egan in the year 1886?—I think I might safely say they did not, because I have no recollection of it. The incident I might also swear positively did not occur.

91,497. Or did a letter of introduction to Mr. Farrell come from such a man by post?—No.

91,498. Are you certain of it?—I am almost certain. You know, of course, if you spring upon me by-and-bye some question that would bring it to my mind, I would then be placed in the awkward position of having sworn that it did not occur. I have no recollection of a man calling upon me of that name, and no recollection of ever having received a letter from Mr. Patrick Egan in my whole life, at that time, or any other time.

91,499. Did any person from America, in connexion with the Clan-na-Gael, come to you in 1886?—Oh, never, never, never.

91,500. Do you remember the occasion of the Prince of Wales' visit?—I do.

91,501. Did you interest yourself in getting up a counter demonstration?—I did.

91,502. Was there a riot at the station at Mallow?—Well, I do not know what you call a riot.

91,503. A disturbance?—The people were assaulted by the police and batoned and beaten.

91,504. Were you there?—I was there.

91,505. That was in the month of April 1885, was it not?—I think so. I am just looking for the date—yes, it was in the month of April 1885.

91,506. How far is Mallow from Cork?—21 miles.

91,507. Had arrangements been made to receive the Prince of Wales by the people of Mallow?—I think he was *en route* to Cork; he was to have received an address, I think, and we were going to present another.

91,508. You live in Cork?—I did live in Cork at that time.

91,509. Did you recruit any band to go up to Mallow from Cork that morning?—I do not know that I did, but I know there were bands asked to come—two bands.

91,510. People connected with Cork?—I cannot tell you whether they were invited by the Mallow people or sent by the Cork people.

91,511. Did you accompany them yourself?—Yes, I went with them.

91,512. Did you read the reports of the proceedings in the paper of what took place at Mallow Station?—I have not read them lately, but they are in my mind.

91,513. Did you read them at the time?—I think I read them at the time.

91,514. Did they fairly represent what occurred?—I cannot say.

91,515. Were you not there?—I was there.

91,516. And being there, you cannot say whether they fairly represent what occurred or not?—I do not remember now; the events themselves are more distinctly impressed on my mind than the reports of the paper.

91,517. Have you not got a report of it in your hand?—What is the date of the paper?

91,518. Tuesday morning, 14th April 1885, from the "Cork Herald," page 2, column 6:

" From Cork by the 2 p.m. train came the Blackpool and the Tailleas band,  
" and by the train reaching Mallow from Dublin at 3.45 p.m., arrived the  
" Charleville brass band."

How far is Charleville away from Mallow?—About 14 miles, I think.

91,519.

" Messrs. William O'Brien and Harrington, who remained at Mallow over-  
" night having attended the local meeting the day before, went to the police  
" station to meet the deputation. From Cork came John Deasy, M.P., John  
" O'Connor, M.P., J. O'Brien, J. C. Flynn, and several others; after singing  
" ' God save Ireland,' cheers were repeatedly given for Mr. O'Brien."

Mr. O'Connor, did you pay the expenses of these men coming from Cork?—I think I did.



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10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,520. Have you a doubt in your mind upon it?—No. I have no doubt in my mind when I recall the circumstance; I think I paid—I bought some railway tickets for one of the bands.

91,521. How many?—I think about 20.

91,522. No more than that?—I do not think I did.

91,523. Did you buy some hundreds?—No, I did not.

91,524. One hundred?—No.

91,525. Who brought the other band, do you know; there were two bands from Cork?—I do not remember.

91,526. Were their tickets paid for?—I do not remember.

91,527. What did you bring them for?—I think we were asked by the Mallow people to bring them.

91,528. What people in Mallow asked you to bring them?—Those who were connected with the National affairs in Mallow.

91,529. What were their names?—I do not remember now.

91,530. This was an important occasion, you know. Do you mean to say you do not remember who made the request of you; what was the request first of all?—Well, you see, whenever people in a town got up a demonstration they usually wrote to Cork for a band, because they always liked to have their demonstrations attended with music.

91,531. Did you know that the people of Mallow were about to present an address to the Prince of Wales—some of the people?—I heard that, Yes.

91,532. Did you resolve to present it?—No.

91,533. Did you resolve to present a counter address?—We resolved to present an address protesting against the misrepresentation of the "Times," the "Standard," and other London papers.

91,534. From what people?—From the people of Mallow.

91,535. From another section?—From the vast bulk of the people.

91,536. What did you bring the Cork brass band for, to help the people of Mallow to present an address?—For the same reason that I brought the Cork brass band to hundreds of other meetings in the county of Cork, to help them in their demonstrations.

91,537. And you paid for the tickets?—Yes, but I dare say it was refunded by the Mallow people afterwards; it was merely an advance on my part.

91,538. Was it Mr. William O'Brien who asked you to bring the bands?—No, it was not.

91,539. Who was it?—Someone from Mallow.

91,540. (*Mr. Justice A. L. Smith.*) Which Mr. Harrington was it?—The one who was M.P. at the time.

91,541. Was that Timothy or Edward?—Mr. Timothy Harrington. I hope your Lordships will allow me to explain the circumstance of attending this demonstration.

(*Mr. Lockwood.*) I will take care that you shall have the opportunity.

91,542. (*Mr. Atkinson.*) Was the Charleville Band paid by you also?—No, they came from a different point.

91,543. Do you know who paid for the Charleville Band?—I do not; they paid for themselves, I daresay; they were men in better circumstances than the band which I brought, and able to pay their own fares.

91,544. Which band did you bring; there were two bands from Cork, which did you bring?—I quite forget which of them. The Blackpool Band, I think it was, I paid for.

91,545. Did you pay the expenses of any other people but the bandsmen?—None, except a few persons connected with the band.

91,546. What were they?—They usually have one or two attendants, a manager sometimes, a man who controls them.

91,547. Did hundreds of people come up from Cork that morning by the train?—No.

91,548. Did many people come up?—A great many respectable men came down with us.

91,549. From Cork?—From Cork.

91,550. For what purpose?—For the same purpose they would go to meetings all round about the country, to help people in their demonstrations. We help each other.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,551. After that did the Prince of Wales come to Cork?—Yes, he came to Cork.

91,552. Was there rioting in Cork?—Rioting, no.

91,553. Did you see in "United Ireland" an account of the proceedings in Cork?—I cannot say that I did, I do not read all the newspapers.

91,554. You made a speech on that occasion which I am just going to call your attention to. It is headed:—

"THE PRINCE IN CORK.

"A STARTLING RECEPTION.

"HOOTING AND HISSING ALONG THE LINE.

"THE ENGLISH FLAG TORN TO SHREDS.

"CHEERS FOR THE MAHDI AND THE CZAR.

"ALBERT EDWARD FLIES OUT OF THE CITY."

Then it goes on to give an account of what occurred.

"The Royal party received a reception in Cork on Wednesday which their Royal Highnesses will probably remember as an evidence of the real feeling of Irishmen towards the Government of which they are the representatives. The Prince reached Cork at a little after 11 o'clock. Outside the station a large crowd met the Royal party and hissed them. The immense crowds hooted them all along the route to the School of Art, which the Prince named. The ceremony was interrupted materially by the Nationalists of the City, who assembled and sang 'God save Ireland' in great chorus. Along the streets the Queen's College students hissed the Prince vigorously, and His Royal Highness refrained from visiting that institution in consequence of their action."

They did not hiss the Prince, I know.

91,555. Just wait until I have finished.

"When passing by the college a Union Jack was torn from its post, and torn to shreds, amid cheers for Parnell. During the rest of the Prince's stay, hisses were the order of the day, and several loyal young men were severely beaten. The last thing the Prince heard as he left the city was 'God save Ireland' sung along the quays by thousands of people. The performance was frequently varied with cheers for the Mahdi, Parnell, Croke, and the Czar, and groans for the British Government. The Nationalist mayor, Alderman Madden, was carried on the shoulders of the crowd, and Mr. John O'Connor, M.P., was loudly cheered wherever he went. Mr. O'Connor, Dr. Tanner, Mr. J. C. Flynn, and other speakers afterwards addressed a large gathering of citizens. They appealed to them to refrain from any act that would bring them within the clutches of the law. The city is overrun with police and military."

Then it goes on to say:—

"Strange to say it was due to the common sense interference of the Earl of Cork, the penitents of that institution were relieved from the necessity of singing 'God Bless the Prince of Wales!' which the bishop imposed upon them. It was on the Western Road that the greatest demonstration of hostility occurred. Here, as soon as the Prince and Princess's carriage passed, stone-throwing commenced, and nearly every carriage that followed was struck."

"After the Prince's departure in a steamer for the Lower Harbour, Mr. John O'Connor, M.P., and an immense crowd which had accompanied him to witness the embarkation, and who lustily groaned the Royal party from the southern side of the river, marched back to the city singing 'God save Ireland.'"

I think I need not read more. I come to your speech now:—

"Mr. John O'Connor, M.P., who was received with the greatest enthusiasm, came forward and said"—

—What are you reading from now?

91,556. The same report lower down in the column?—Yes, but I have not "United Ireland," but I am trying to find my speech.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,557.—

“ Men of Cork, the day is ours, and victory sets upon our helms. Let the  
 “ English press now exult (hisses), if it will, upon the unanimous enthusiasm and  
 “ warm reception that Cork gave the Prince of Wales (ironical cheers). The  
 “ Irish people were asked to be silent, and their silence was misconstrued into  
 “ loyalty ; they were asked to be neutral, and their neutrality was met by insult.  
 “ But that misrepresentation and these insults were not confined to the English  
 “ Press. Even the Prince of Wales himself was unmanly enough to tell us that  
 “ our present state was due to the natural course of events ; the solid South has  
 “ spoken since Monday (cheers) with no uncertain voice of the ‘ Divinity that doth  
 “ hedge a king,’ and of the bayonets with which a king can surround himself.  
 “ When we were silent, they not only rejoiced, but misconstrued our silence ; and  
 “ all I can say of the administration to-day is, to use a familiar phrase, that they  
 “ may put that in their pipe and smoke it. (Laughter and cheers.) I have three  
 “ duties to perform. First of all, I have to thank the people of Cork for their  
 “ manly and determined attitude to-day. They indicated that the same course  
 “ which was pursued to the Nationalists in Dublin dare not be pursued towards  
 “ them (cheers). They spoke out, and they spoke out spontaneously, and  
 “ without any organisation whatever. For that I thank them, and thank them in  
 “ the name of the Irish National League, in the name of the Irish people, and in  
 “ the name of the Irish Parliamentary Party, and of Mr. Charles Stewart Parnell  
 “ (great cheering). Another duty I have is to draw your special attention to  
 “ the newspapers that insulted us (hisses). First of all, I have the English  
 “ ‘ Times ’——”

Then you deal with the papers.

(*Sir C. Russell.*) That is the important point, I understand ?

(*The Witness.*) That is the important point.

91,558. (*Mr. Atkinson.*) Very well—

“ First of all, I have the English “ Times ” (groans)—the English “ Times ”  
 “ which said that the Nationalists of Ireland had joined with the loyalists in  
 “ giving the Prince of Wales the most enthusiastic and earnest welcome ever  
 “ accorded to any individual in Ireland (no, no). We tell the ‘ Times ’ that was  
 “ a lie (cheers). Here the hon. member produced a copy of the ‘ Times,’ and  
 “ tearing it in pieces, threw it in the streets. Next, I have the ‘ Standard,’  
 “ which said that the Nationalists of Ireland were confined to the needy editors,  
 “ the ambitious counterjumpers, and other people of that ilk. We now treat that  
 “ paper as it deserves at this vast meeting of twenty thousand rebel Cork men. I  
 “ have the ‘ Saturday Review ’ that with it and its purest wisdom called upon the  
 “ English people for their sympathy with the Nationalists of Ireland. We treat  
 “ that sympathy with the contempt it deserves. Now, my friends, we have done  
 “ our duty to-day, and I think Ireland will say we have done it well.”

Is that a fair report of your speech ?—I think it is.

91,559. And the report of what occurred, is that accurate also ?—Well, I do not think the report is accurate in the respect that we insulted the Prince of Wales. Nothing was further from our minds or intentions—or that we groaned at the Prince of Wales.

91,560. Do you mean to say that there was no groaning ?—There was groaning, but not directed at the Prince of Wales.

91,561. What was it directed at ?—It was directed at some people who lived in Cork, I should think, and who were identified with these misrepresentations of our attitude and aspect of neutrality towards the Prince of Wales, which we had assumed, and which was misrepresented by the London papers.

91,562. Did this outburst of the people towards the persons in Cork just happen to manifest itself at the time the Prince was passing ?—Well, he was in the company of some of them.

91,563. Is it true that the carriages were pelted ?—No, it is not true. I never heard that the carriages were pelted. I heard that one man threw something, I think it was an onion, at the carriage of the Prince, and he was arrested, I think, by the people, and handed over to the police.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,564. By the people?—Yes, I think so.

91,565. Are you serious in saying that?—It was found that he was an ex-soldier a pensioner from the army, who was a lunatic; and the man was discharged by the police. That was the only charge that I heard of.

(*Mr. Justice A. L. Smith.*) What "United Ireland" is that in; you have not given us the date?

(*Mr. Atkinson.*) Saturday, 18th April 1885.

91,566. Mr. O'Connor, is not the report, in the "Cork Daily Herald," of the proceedings subsequently, the same, although it does not give your speech at such length?—I cannot find my speech in the "Cork Daily Herald" of April 16th.

(*The President.*) I thought it was the 14th.

(*Mr. Atkinson.*) The first is the 14th about Mallow; the 16th is about Cork.

(*The Witness.*) It does not give my speech; I have it here.

91,567. (*Mr. Atkinson.*) But as I read the description of what occurred?—I think my recollection of the speech that I delivered is that that report will be fairly accurate.

91,568. As I read the description from "United Ireland," of the occurrence, is not that identical, or almost identical, with the same description in the "Cork Daily Herald"?—I think they are rather exaggerated.

(*Mr. Lockwood.*) I have not had time to go through the whole account. Is that all you ask?

(*Mr. Atkinson.*) That is all.

#### Re-examined by Mr. Lockwood.

91,569. In this 16th of April 1885, the date which is now before me, in the "Cork Daily Herald," how long before that was it that the Prince of Wales came to Ireland; do you remember how long he had been in the country?—I should think about a week.

91,570. What was the manner adopted by yourself and others, who thought with you, towards the Prince of Wales, up to this time?—We issued an address to the Irish people to preserve towards the Prince and Princess of Wales an attitude of respectful neutrality.

91,571. And do you believe that, so far as your experience went, that address was acted upon, that appeal was listened to, by the people up to a certain time?—Yes, it was.

91,572. Then, as we know, there came a change. How was that brought about?—By the writings of the English newspapers, particularly of the London "Times" and "Standard," and other daily papers.

91,573. What misrepresentations were made by these English newspapers?—Well, I quote one passage from the "Times" here in my speech the previous Sunday at Cork, where we had an enormous demonstration protesting against these misrepresentations.

91,574. Please give me that date; what paper does it appear in?—It appears in the "Cork Daily Herald" of April 13th.

91,575. (*Sir H. James.*) Can you give us the date in the "Times"?—That would be the "Times" of Thursday.

91,576. Before?—The Thursday before.

(*Sir C. Russell.*) Would you read the passage from the "Times"?

(*Sir H. James.*) Will you translate this date first?

(*Mr. Lockwood.*) This is Monday the 13th of April.

(*Sir H. James.*) Then it would be Thursday the 9th of April.

(*Mr. Lockwood.*) Yes, Thursday is the 9th.

91,577. Will you read it?

(*The Witness.*)—

"The 'Times' of Thursday, says; 'It is impossible now to set aside political considerations in connection with yesterday's display. There is no doubt that the challenge thrown down by the separatists'—that is we"—



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

I say—

“ was warmly taken up by the loyalists of all shades of opinion.”

That is the challenge. I say—

“ Now we threw down no challenge. We simply stated that our reception of the Prince of Wales would be that of respectful neutrality, and when the people of Ireland have followed the advice of their leaders, the ‘ respectful neutrality ’ has been turned into political capital by the leading organ of the English people, and this great organ continues :—‘ It is impossible to despair of the future of Ireland when even Nationalists join with Loyalists, and if they did not there must be very few Nationalists in Dublin, in giving a reception, almost unparalleled in the warmth and extent of its enthusiasm to the Heir to the Throne.’ ”

That is a quotation.

91,578. Did you quote from any other paper?—No; in my speech I referred to the Prince's statement, and Mr. Atkinson has referred to some reference of mine to the Prince, and I should, therefore, like to read what I said in this connexion, if I may be permitted.

“ Replying to several other addresses the other day, a great many of which were presented by insignificant people, and not one from a representative body, replying to those addresses, he says ‘ In varied capacities and by widely different paths you pursue those great objects which are dear to you, and, believe me, are dear to me also, the prosperity and progress of Ireland, and the welfare and happiness of her people. That many difficulties from time to time have impeded you I can well understand. Such is the natural course of events.’ ”

I proceed to comment upon this:—

“ These are the words of the Prince of Wales. The difficulties that have impeded the Irish people in their progress and in their march to happiness have been only ‘ the natural course of events.’ Has the Government created famine according to ‘ the natural course of events ’? Have we lost five millions of the finest people in the world owing to ‘ the natural course of events ’? Are our harbours empty in ‘ the natural course of events ’? Have we lost our trade and our commerce in ‘ the natural course of events ’? Are our factories idle in ‘ the natural course of events ’? No; and I say that those who impressed upon the Prince of Wales to give expression to that statement have damned him in the estimation of all thoughtful men. We say no; and we say, by the bottomless coffins, by the emigrant ship, by our expatriated countrymen, and by every chapter in our history, we say that they who told thee these words have spoken unwisely.”

91,579. Now, Mr. O'Connor, you said just now that under these circumstances you were anxious to present an address to the Prince of Wales?—I was anxious to present an address to the Prince of Wales at Mallow, and went for that purpose, to represent the true facts of the case.

91,580. Was an address prepared?—Yes. I think an address was prepared by Mr. William O'Brien, or by the people of Mallow.

91,581. Have you any copy of it?—No, I have not.

91,582. Would it appear in any of these papers?—No, it would not, for it was never presented.

(*Mr. Lockwood.*) Of course I must do this with your Lordship's permission, because I am not entitled to have the intendment of this address, but if your Lordships will allow me to ask a general question about it I should be glad.

(*The President.*) Certainly.

91,583. (*Mr. Lockwood.*) What was the object of the address?—The address was to protest against the misrepresentations of the London “ Times,” whose continued and daily misrepresentations drove us from our attitude of respectful neutrality towards the Prince, and obliged us to come out and show that there was reason for disaffection and disloyalty in Ireland,



10 July 1888.]

JOHN O'CONNOR.

[Continued.]

91,584. May I also in this connexion refer your Lordships to page 4737, Mr. O'Brien's evidence upon the same point?—And I might say that to everyone of us. it was a most regrettable incident.

91,585. You went to Mallow; were you allowed to present your address?—No, we were driven from the platform by a column of police, who batoned us.

91,586. Not only the police, but I think the military also?—The military were drawn up, and if it were not for the interference of a humane magistrate named Butler, the people would have been all slaughtered by those in charge.

91,587. Had you, or those with you, offered any provocation to be treated in this way?—None, whatever; we were merely standing on the platform, and not the arrival platform either.

91,588. At any rate, you gentlemen, who believed yourselves to be the representative of the national feeling in Ireland were refused access to the place?—We were refused access to the place; we were driven away out of the station altogether.

91,589. Did that have an effect on the public feeling?—It had the effect of exasperating public feeling.

91,590. Did anything occur on this occasion in the conduct of yourself or those with you, to justify this batoning by the police?—Nothing whatever.

91,591. You are pretty well accustomed to that now?—Yes, nearly at all times that we practised rights or privileges of the people, or that the people ought to have, we were batoned.

91,592. My friend, Mr. Atkinson, has called attention to your speeches. I do not think he has read extracts from them. I propose, my Lords, to read from the "Cork Daily Herald"?—My speech at Mallow would explain my position.

91,593. My Lords, this is a speech of Mr. Harrington's, at page 2, column 8:—

" We do not wish to raise any objection to the few obscure individuals in  
" this country who sympathise with English rule, and wish to demonstrate their  
" loyalty to an alien system of Government; we do not desire to throw any  
" obstacle in their way; but when the recognised organs of English opinion,  
" almost with one accord, were making the Prince's visit to Ireland an opportunity  
" to insult the feelings of the people and the people's leader, and the great  
" Archbishop of Cashel, they deemed it their duty at such a time to show to the  
" enemies of Ireland that the national sentiment of the people was in no way  
" weakened before the glare of British royalty."

Now just attend to this; I am reading from Mr. O'Brien's evidence at page 4743, my Lords. The question is put in his cross-examination by the Attorney-General:—

" There is no loyalty in Ireland at all.

" A great deal of it is utter sham, as I will show in one instant. When the  
" Prince of Wales passed Mallow we attempted to represent to him the true state  
" of feeling at the time. The loyalists mustered in tremendous force with their  
" addresses, and all the rest of it. Less than a year after the Lord Lieutenant of  
" Ireland was passing that way, and because that Lord Lieutenant of Ireland,  
" the Queen's representative, was a person who had a leaning towards the Irish  
" Nationalists, the very people who came on the visit of the Prince of Wales,  
" would not go near the railway station, and it was the Nationalists, the people  
" who had attempted to tell the Prince of Wales the truth, and the Nationalists  
" alone, who greeted the Queen's representative."

Were you aware of that incident?—Yes.

91,594. (*Sir H. James.*) Had you anything to do with it?—No, at the arrival of Lord Aberdeen.

(*Sir H. James.*) Of course everybody knows as much about this as Mr. O'Connor.

(*Mr. Lockwood.*) The cross-examination of this gentleman was directed to this.

(*The President.*) This is something that occurred apparently a year afterwards.

(*Mr. Lockwood.*) Certainly.

(*The President.*) The cross-examination has been directed to what turned upon the occasion of the Prince's visit.

(*Sir H. James.*) It is argument, and you have got what you want.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,595. (*Mr. Lockwood.*) Now to pass from that to another point. A speech of yours was alluded to on the 8th October 1888. I have not a copy of that speech, Mr. O'Connor, have you it?—No.

91,596. I will not discuss how far it is fair to cross-examine you upon it. That is a speech you are now suffering for?—Yes.

91,597. It was a speech made after this Inquiry had commenced.

(*Sir H. James.*) No.

(*The Witness.*) Yes, the 7th October.

(*Mr. Lockwood.*) Shortly before the preliminary meeting.

(*The President.*) No, that was in September.

(*Sir C. Russell.*) Before the actual sittings began.

91,598. (*Mr. Lockwood.*) Have you a copy of the speech there?—No.

91,599. What were the kind of offences for which people were sent to prison at this time that you made that speech?—For making speeches, and attending meetings.

91,600. Selling "United Ireland"?—Selling "United Ireland."

91,601. Booing the police?—Booing the police and cheering Mr. Gladstone.

91,602. Of course we know these were offences against the law, but I am entitled to ask you, did you consider them crimes?—No, I do not consider myself morally bound by the Coercion Act, and I stated so in the House of Commons when it was being passed, and I have maintained that attitude towards it.

91,603. Now, please, I will come to the books of account as to which my friend has asked you some question. As I understand this little book?—That is not the one—there is only 100*l.* accounted for in that book.

91,604. No, this is marked John O'Connor 1. This book does not profess, as I understand, to represent disbursements made from time to time, but it represents payments made by you when you came out of gaol?—Yes; when I came out of gaol, everybody to whom there was money due applied to me, because before I went to prison I was looked upon as occupying rather a prominent position in the south of Ireland, and although I had no formal authority, everyone who wanted money or assistance of any kind applied to me; and when I got my freedom every man to whom there was money due applied to me for payment, and I came to Mr. Parnell and I said there was a lot of money due to men about Cork for various purposes; that it occurred when the organisation had been broken up by Mr. Forster when I was in prison; that some of those expenses may have been recklessly incurred; but I said that was nothing to the purpose, and I thought these liabilities ought to be discharged, for the credit and character of our movement; and more especially, if we wished to establish any other movement in the future, that we should have a good character.

91,605. You have mentioned the purposes. Just give me some of the purposes which were stated to you as the purposes in respect of which this money had been expended?—For the defence of prisoners; and I am happy to say the defence resulted in the most cases—in the overwhelming number of cases—in the acquittal of the accused, who otherwise would have been undefended; and also in the support of some of those men when they were in prison.

91,606. As I understand Mr. O'Connor, broadly, your intention was to secure a fair trial for these persons who were charged?—Yes, that was always my desire.

91,607. Did you, rightly or wrongly—I am not discussing the question whether you were right or wrong; did you and many others of the people believe that they were not getting fair trials?—Yes, I was convinced about it.

91,608. Now you allude to your having, in the case of O'Connell's, I think it was, declined to pay some money in respect of his defence?—That impression is on my mind, and I will have it verified the very first day I am liberty, if I am discharged in Ireland.

91,609. You thought that he was implicated in the murder of a man named Leary?—Yes, that has been stated publicly over and over again; and there was, I believe, blame attached to the Government for having accepted the evidence of a man who was a known murderer.

91,610. Believing that he was a murderer, or believing that his hands were imbrued with crime in some way, you did not wish to assist in his defence?—Quite so.

91,611. And was that principle which actuated you in the case of Connell the principle that actuated you in the case of other men?—Yes; you find deductions from all the accounts of the solicitors.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,612. Were these deductions in other cases made in respect of payments claimed for the defence of men against whom you believed to be clear?—Yes.

91,613. And in those cases I understand, you declined to make payments?—I made deductions, and in some cases, deductions were made by the solicitors themselves, who took a smaller amount in payment for a large bill.

91,614. I may perhaps cover the whole of the cross-examination upon these accounts by this question. So far as you know, did any of the moneys you disbursed go towards encouraging the commission of crime or outrage?—No, certainly not; and I remember when I applied to Mr. Parnell for these moneys, he was always kind enough to give me what I asked. He said, "I trust to you, Mr. O'Connor, to see that you are not spending any of this money for purposes that will not bear investigation"; and I had always that caution of Mr. Parnell's passing through my mind when I made the payments.

91,615. Then in addition to the payment for the defence of men, would there be payments for the relief of tenants?—Well——

91,616. I mean the relief of tenants who had engaged in litigation?—No. There are items in that account in reference to the rent of a farm—well, that would be rather a long story to explain, it——

91,617. (*Sir C. Russell.*) There is a writ here?—Yes, that is a writ of ejectment. That was a farm, I think, that we had in possession that I wanted to give back to the owner; we had to pay rent for it.

91,618. (*Mr. Lockwood.*) I see the matter you refer to, "Rent paid on farm 27l. 3s. 3d."?—There are several items for rent paid on the same account.

91,619. I will pass over the other questions in cross-examination of yourself yesterday?—I got that money refunded afterwards by the tenant.

91,620. As a Fenian, Mr. O'Connor, I understand that your object was the establishment of an Irish Republic?—That was the object.

91,621. And that was to be accomplished by the force of arms in open warfare?—Yes.

91,622. This question has been asked over and over again, but I must ask it of you, owing to the line of cross-examination: as a Fenian, did you ever lend any countenance to the commission of crime or outrage?—Never.

91,623. I must almost apologise for putting this question again: it has been put so often. Is it absolutely foreign to the practice of Fenianism, with which you were connected?—Yes, it is quite foreign to the disposition of every good Fenian, because our notions of Ireland and the redemption of Ireland were of a chivalric nature.

91,624. When you determined to give up Fenianism and associate yourselves with the open movement, what was then the goal which you had in view in the work which you undertook?—Well, I looked upon the movement that was being established by Mr. Davitt, and that was taken up by Mr. Parnell, as one that was calculated to embrace all the people of Ireland in one grand effort to obtain legislative independence, because I was rather disappointed with the Fenian movement; it was so small in its compass, and so few people joined it, and particularly so few people who were able to give it material assistance, and I was very much disappointed with it; and I gladly embraced a movement that was likely to take in all the people of Ireland in one grand movement to establish legislative independence.

91,625. After you left Fenianism and associated yourself with the open movement, had you anything to do with Fenianism?—Nothing whatever, except that I was on friendly terms with the Fenians I knew before as members, and I tried to attach them, by conversation with them, to the organisation.

91,626. Was that one of the objects you had in view, namely, to persuade other Fenians to give up the views they had urged as Fenians, and come into the open organisation with yourself, and share with the views you yourself entertained?—Yes, and I have succeeded in a great many—I might say—illustrious cases.

91,627. Under those circumstances, and being anxious, if you could, to influence the Fenians in this direction, did you think it advisable to put up the backs of the Fenians by discountenancing them?—It would be a course that would be likely to alienate them from us, and also to make my work of conversion difficult.

91,628. You were asked by Mr. Atkinson as to your having seen General Millen in Cork; you were asked as to the date, and you were not able to fix the date; I think, at any rate, that was before 1880?—Yes, that was before 1880.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,629. Then you had actively ranged yourself with the open organisation?—Yes, I had, from the moment, or from a short time after Mr. Parnell's election for Cork City.

91,630. I was asking, at the time when you saw General Millen at Cork City, whether you had, at that time, ranged yourself with the open organisation—taken the departure from Fenianism?—When I saw General Millen I had not any connexion with an open movement; of course I have not admitted I saw him at Cork.

91,631. You very candidly, yesterday, said that the object of one of your speeches was to disaffect the police; now again, rightly or wrongly, I do not stop to consider?—I do not think the word “disaffect” I ought to have used; his Lordship rather sprung it upon me.

(*The President.*) No, indeed; I did not use it.

(*Mr. Lockwood.*) No, I will recall the circumstances; the word may have been used by counsel.

(*Mr. Atkinson.*) I used the word “corrupt,” and he said “disaffect.”

(*The Witness.*) What I should have said, I think, was—what was in my mind at the time I made the speech was—that if there were in the ranks of the police any men who thought the duties of a policeman irksome, and were inclined to leave the police, that I would encourage them to do so, first of all giving the necessary month's notice to determine his engagement with the Government. It was certainly a speech of encouragement; I do not want to—

91,632. Rightly or wrongly were, and are, in fact, the police of Ireland absolutely mistrusted by the people of Ireland?—Not so much then as they have become since.

91,633. Do you mean under the present system of government?—Yes; at the time I made that speech it was in the early stage of the operation of the first Coercion Act, and the police had not come into conflict with the people so often at that time.

91,634. Had they taken part in evictions, or had they then taken part to the same extent?—They had scarcely been engaged at all in evictions up to that time, and we were all on very friendly terms with the police, and inclined to assist them in every way we could to put down real crime. I co-operated with them I know more than once prior to that period.

91,635. What has been the effect since the employment of the police in carrying out the incidents of eviction, burning the houses down and battering in the doors. What has been the effect on the mind of the people?—Well, to destroy whatever sympathy there existed between the police and the people; the people now regard the police as their enemies instead of their protectors, and they are disinclined to co-operate with them in any way.

91,636. Well, now I do not think I need ask you anything as to the Cartin incident. I think you sufficiently answered that in chief; you gave a challenge to my learned friend as to any occasion on which he could point to outrage or crime following upon any speech you had made; are you aware of any?—I am aware of none; I am very happy to say that no speech of mine has been followed by outrage anywhere, because the people knew so well that I was opposed to the commission of crime or outrage. I exerted my influence in that direction.

91,637. In this inquiry, so far as you are concerned, we have a period extending from 1879 up to the last speech that was quoted of October 1888; could you give us any approximate idea, Mr. O'Connor, of how many speeches you delivered within that period that have been reported in the paper; can you tell us within one hundred; I mean at which Government reporters were present?—At one period, just before my arrest, I used to speak, I suppose, at public meetings every Sunday, and I used to make about two speeches every Sunday, at any rate, at meetings of the National League. That went on for months, and since my release in 1882, I established a great many branches of the National League throughout the south of Ireland, and I spoke very frequently. I must have delivered hundreds of speeches.

91,638. I believe you have taken an accurate note of your speeches to which reference has been made in this inquiry, and I think in all the number is five?—I have taken a note of what has been put in in evidence; some of them have not been read. All the reports of the speeches that have been furnished to me from this Court are very often inaccurate. They seem to have been supplied by a Government reporter. They are very inaccurate where I have compared them with speeches reported in the Cork papers.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

91,639. I might have an instance of one speech?—I have not got the manuscript.

91,640. It is reported in the "Cork Examiner" of the 6th July 1885, the Holycross speech?—Yes.

91,641. Have you got the Government report of it there?—Yes.

91,642. Now illustrate what you have just now said; will you read from the Government report the words attributed to you?—Well, it is not so much the words attributed to me, as the words omitted.

91,643. Read what it is.

(*Sir H. James.*) Will your Lordship allow me to say these copies were handed to my learned friend at the earliest part of these proceedings, and we asked whether they challenged the accuracy of them, and they did not challenge the accuracy of any report. We had the reporters here to prove them, and to be cross-examined if any question arose. Now, if it is stated that they are inaccurate, it puts us, and some of the reporters, in a difficult position.

(*Mr. Lockwood.*) How could my learned friend call upon us to say in that period as to the accuracy or not of any of these speeches?

(*Sir C. Russell.*) I do not think it is sufficiently important to trouble about it further.

(*Sir H. James.*) That is sufficient. I should have thought the persons who made the speeches could have been applied to, to know if they were correctly reported, whether called upon or not.

(*The President.*) I suppose it must be taken it was admitted generally that they were correct; but I do not think I ought to prevent a particular question being put.

(*Sir C. Russell.*) What is the question?

(*The Witness.*) In one report here it says "no rent should be paid," and the other report of my speech says "no rent could be paid, because no rent was made."

91,644. (*Sir H. James.*) What?—"Because no rent was made."

(*Sir H. James.*) I should like to see the context of that.

(*Mr. Lockwood.*) Let me look at the extract you refer to.

91,645. (*Sir C. Russell.*) What is the contemporary report you refer to?—I refer to the report in the "Cork Examiner," and I have marked a number of passages there, and then it alludes to a statement of mine respecting landgrabbers.

(*Mr. Lockwood.*) Here it is. This, my Lord, is a speech which is on the printed note, page 108: "no rent should be paid."

(*Mr. Justice A. L. Smith.*) Is this Holycross?

(*Mr. Lockwood.*) Yes, Holycross.

(*Sir H. James.*) Read the context.

(*Mr. Lockwood.*)

"I was told by a landlord, who farms 2,000 acres, that, though he employed the highest system of agriculture for the last two years, he failed to make a profit out of his land. Well, if this is the case in England where they have all the advantages of capital, how is it to be with the Irish farmer who has no capital, who is being ground down by a system of rack-rent and landlord tyranny until the very soil is being ground out."

(*Sir C. Russell.*) That should be "soul"?—Certainly.

(*Mr. Lockwood.*)

"Soul is being ground out of him, and the very land reduced into a state of barrenness. No rent should be paid."

Now I will read from the report of the "Cork Examiner."

(*Sir H. James.*) That is an extract.

91,646. (*Mr. Lockwood.*)

"How was it with the Irish farmer who had no capital, and who had been ground down by a system of rack-renting and landlord tyranny, under which the very soul was ground out of him. Rent could not be paid. (Cheers.) They were on the eve of a new struggle, in which it would not be necessary to issue a no-rent manifesto (cheers) to bring the Irish tenant-farmer up to that



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

“ sticking point when he would put his back against the ditch, saying, ‘ Here  
 “ ‘ I stand, I will pay no rent, and I will stick to my farm at the same time.’ ”

—I proceed to say, no rent has been paid ; I proceed, in the course of my speech to say—

(*Mr. Lockwood.*) It is the “Cork Examiner” of the 5th July 1885. My learned friend Sir Henry James is perfectly justified in saying I am reading from an extract. An extract was put before me, verified by a clerk in the newspaper office ; but I will wait until I get the paper. I thought, perhaps, I might be permitted to read it.

91,647. Now, with regard to another matter. You were asked, I think, whether you knew anything about the Martyr’s Fund. You say you never heard of that?—Yes.

91,648. It is not a matter with which you had any connexion, or of which, indeed, you had any knowledge? With regard to the Poff and Barrett matter, I went very fully into that. There is one other matter I wish to call your attention to which had escaped my recollection. It is on the question of jury packing. You told us something about it yesterday. What is this extract? From what paper are these taken? —That extract about the Cork jurors is taken from one of the Cork papers.

91,649. Do you remember which?—From the “Cork Herald,” I think.

91,650. What assize did it refer to?—About the 1884 assize, I think.

91,651. (*Sir H. James.*) Is this a matter within your own knowledge?—Yes, it is.

91,652. The case?—No, it is the protest of the Cork Catholic jurors in meeting assembled at the Chamber of Commerce.

91,653. (*Mr. Lockwood.*) Do you remember when that meeting took place?—It took place about the time I made the speeches on which I was cross-examined yesterday.

91,654. You were not present at the meeting, I think, yourself, were you?—I was not present at the meeting, but I had a good deal to do with the organization of it.

91,655. The getting up of the meeting?—Well, I suggested to some of the people in Cork that the conduct of the Crown towards them ought to be taken notice of by them. The Crown prosecutors were challenging every man of Catholic religion, and there was a good deal of annoyance felt in the city amongst the city jurors.

91,656. You know that subsequently a meeting took place?—Yes, I know that meeting took place.

91,657. Although you were not present, I will find the exact reference to this. It will be found reported in the “Cork Herald,” I suppose, about the 29th November?—I have the paper from which I have cut it.

91,658. Then you can give me that?—I can look it up for you afterwards ; in fact, I can tell you now.

(*The President.*) Do I understand you to say this is a presentment of the jury?

(*Mr. Lockwood.*) No, my Lord, it is a meeting—“an influential meeting.” I am reading from the heading of the paper.

(*The President.*) I thought it was a presentment of the grand jury.

(*Mr. Lockwood.*) No.

(*The President.*) Well, I do not think we can have a mere public meeting.

(*Mr. Lockwood.*) It was in this direction I was going to put it to your Lordship, as showing that the view was entertained by many persons of influence and position.

(*The President.*) It has been stated by several witnesses that there was that feeling. I do not think you can carry it any further. I do not think it is necessary for you to carry it further.

(*Mr. Lockwood.*) No, my Lord ; then if I take the fact, I am willing to adopt the suggestion of Sir Henry James and be content with the fact that there was a meeting held in this direction.

(*Sir H. James.*) I do not object to that statement.

(*Mr. Lockwood.*) The persons, my Lord, who took the initiative in this matter were the Catholic jurors who were objecting to their being challenged and excluded from the jury box, and the trial of these prisoners being entirely relegated to the Protestant jurors. That was the ground of their objection.



10 July 1889.]

JOHN O'CONNOR.

[Continued.]

(*Sir H. James.*) Then, my Lord, we get into great difficulty; I mean on the ground of evidence. It may be that some persons objected to their individually being objected to. That was a protest they might make. Whether there was an objection to all Catholic jurors being objected to, or whether they were objected to could not be given in evidence in this way.

(*The President.*) No. I think you must be contented with that, Mr. Lockwood. I do not want to enter further into this question of what is called jury-packing.

(*The Witness.*) Yes, my Lord; but for giving expression to the feeling that called these people together, I would seem to have merited, or to have come under your censure yesterday, although the practice of jury-packing was allowed.

(*The President.*) I do not think I made any allusion to the subject.

(*Mr. Davitt.*) With your Lordship's permission I would like to ask one or two questions arising out of Mr. Atkinson's cross-examination.

(*The President.*) Yes.

Re-examined by Mr. MICHAEL DAVITT.

91,659. Mr. Atkinson asked you if a man named Farrell called upon you in Cork?—Yes.

91,660. You told me yesterday an American named Macdermott called upon you at one time in Cork in 1883?—Yes.

91,661. Do you know whether Macdermott was a man who had *aliases*?

(*The President.*) I remember interrupting this line of examination about Macdermott. He was not introduced in the cross-examination, Mr. Davitt.

(*Mr. Davitt.*) Mr. Atkinson did not use Macdermott's name, but in a subsequent question he asked the witness: "Did any one come to you from America from the "Clan-na-Gael"?"

(*The President.*) Yes.

91,662. (*Mr. Davitt.*) Do you remember Macdermott talking to you about the Clan-na-Gael in Cork?—I do not know that he referred to the Clan-na-Gael.

91,663. Did he show you a letter from O'Donovan Rossa?—Yes, he showed me a letter from O'Donovan Rossa.

91,664. Was it at that time a notorious fact that O'Donovan Rossa was connected with the Clan-na-Gael?—Well, I do not remember that.

(*Mr. Davitt.*) I want upon this question to read from the "Irish World," of August 25th, 1883, an account of the doings of this Macdermott in Cork, who promoted dynamite outrages in that and other cities, my allegation being that at that time he was in the pay of Government officials in Ireland.

(*Sir H. James.*) But then that must be proved first.

(*The President.*) Whatever inclination I might have had to indulge you, Mr. Davitt, is put an end to by that statement. You know I cannot take these statements, making general charges against the Government, without proof.

(*Mr. Davitt.*) Well, my Lord, I am offering proof from the "Irish World," and the "Irish World" is permitted to be proof against us.

(*The President.*) Yes, it is admissible in evidence if and when it is shown to be acting in combination with you; but it is not evidence when it makes a statement against any particular individuals connected with the English Government. That is from the laws of evidence.

(*Mr. Davitt.*) In this instance, Macdermott had a conversation with the witness, in which conversation he talked about dynamite.

(*The President.*) Yes, I had occasion to say with reference to this very name, which was introduced before, he is not at liberty to tell us his conversation with I do not know who.

(*The Witness.*) Well, I have made no allegation against the Government, my Lord, which I am not prepared to prove.

(*The President.*) But you must prove it in a legal manner.

(*Mr. Davitt.*) I should like to ask Mr. O'Connor.

(*The President.*) I am bound to say, Mr. Davitt, you have always acted with propriety in regard to any objection which has been made to your cross-examination, but I must rule that you are not entitled to ask him a question upon a conversation.

(*Mr. Davitt.*) Of course, I bow to your Lordship's ruling.



10 July 1889.]

DANIEL CRILLY.

Mr. DANIEL CRILLY, M.P., sworn; examined by Mr. TIMOTHY HARRINGTON.

91,665. You are member for North Mayo, I believe?—Yes, I was elected in 1885 without opposition, and again in 1886 without any opposition.

91,666. What is your profession?—I am a journalist.

91,667. Previous to your election did you occupy a position on the staff of the "Nation" newspaper?—Yes, it was part of my journalistic career. I have been a journalist for the last 12 years, five of those 12 years having been spent on the "Nation."

91,668. When did you enter on the staff of the "Nation"?—I joined the "Nation" in the first week in January 1881.

91,669. During your connexion with the "Nation" more than one newspaper, I believe, was published at the office of the newspaper?—More than one. Three papers were published in the office; the "Weekly News" and a little periodical called "Young Ireland."

91,670. The "Nation" and "Weekly News" were both what are called newspapers?—Yes, those were newspapers.

91,671. Did you take a part in the editing of those papers?—Yes, the principal part; in sub-editing rather, not in the editing.

91,672. During that time did there appear in the columns of the "Nation" newspaper frequent denunciations of crime?—Very frequent denunciations.

91,673. Some of those were written by yourself?—Some of them were written by myself, yes. I may say in that connexion that if I had the time I had intended during the Whitsuntide holidays, my Lord, to have gone over the files of the "Nation," and I am quite sure that from 1881 to 1885 I should have got numerous denunciations written by myself, but I found on reaching my home in Dublin the files of the newspapers were here in London.

(Mr. T. Harrington.) I will just read one or two. The first is the "Nation," of the 4th of June 1881.

(Mr. Justice A. L. Smith.) Has not Mr. T. D. Sullivan put this in. Did not this come in under Mr. Sullivan?

(Mr. Murphy.) Yes.

(The Witness.) Not this extract.

(Mr. T. Harrington.) Mr. Crilly was one of the sub-editors.

(Mr. Justice A. L. Smith.) Did not Mr. Sullivan put these denunciations in?

(Mr. T. Harrington.) I think not.

(The Witness.) Not these particular ones.

(Mr. Lockwood.) His book did not extend beyond speeches. I do not think it is necessary to waste any time over them. I will merely present Mr. Crilly for cross-examination; I will not waste your Lordship's time. Some of these are denunciations which have been put in evidence and some not put in, written by himself.

Cross-examined by Sir HENRY JAMES.

91,674. Did you belong to the old Land League?—I cannot say that I belonged to it officially. I took a pretty active part in Dublin in the Land League movement from 1881 after I joined the "Nation."

91,675. Were you in Dublin before 1881, before you joined the "Nation"?—Except on my holidays I was in Liverpool, engaged in business in Liverpool before 1881, and I invariably visited Dublin once a year on my holidays.

91,676. That I do not mean. Your occupation kept you at Liverpool?—Up to that period, yes.

91,677. Then when did you join the "Nation"?—I joined the "Nation" in the first week in January 1881.

91,678. Did you ever belong to the Irish Republican Brotherhood?—Never.

91,679. Or take any part in it?—Never. Not because I thought it wrong to join the Irish Republican Brotherhood, but because I have believed all my life that the wrongs of Ireland could never be righted by secret or revolutionary methods.



10 July 1889.]

DANIEL CRILLY.

[Continued.]

91,680. Of course I will take your answer. Neither prior to 1881, nor subsequently, had you anything to do with it?—Neither prior nor since.

91,681. Then you apparently took no part, as you say, in the management of the Land League. Were you an ordinary member?—I was an ordinary member.

91,682. Did you attend the meetings?—Yes, I attended the meetings in Dublin.

91,683. I suppose you had full confidence in the management of the affairs of the Land League?—I had entire confidence, because Mr. Parnell was at its head, and I had confidence in him.

91,684. So far as you know of what was done in the management of the Land League, you would approve of it?—I would, so far as I knew.

91,685. So far as you knew?—Yes.

91,686. Of course your responsibility is limited by your knowledge. You were not aware of what was going on?—Except what came under my own personal notice in Dublin, and what I read in the newspapers.

91,687. Which was open to the public?—Which was open to the public.

91,688. So whatever was done by the executive or the branches under the orders of the executive, you would know nothing about?—Nothing.

91,689. Your confidence was complete?—My confidence was complete, from the fact that Mr. Parnell was at the head of it, and Mr. Harrington was secretary; at least, not of the Land League.

91,690. I think your speeches were late speeches? This refers to a period in relation to the Plan of Campaign. You have made speeches——?—Innumerable.

91,691. But you have made some in 1886 and 1887?—In 1886 and 1887 I made a number of speeches.

91,692. I think I have one of yours that you made on the 20th of September, 1885. Do you recollect it?—If you mention the place, probably I shall.

91,693. At a place called Mayo, Queen's County?—Yes, I remember having been there.

91,694. And speaking?—Yes, I remember speaking there.

91,695. It was a meeting of the Irish National League?—Yes, I daresay it was. I have not any distinct recollection of the terms of my speech except that I believe it has been put in evidence against me.

91,696. I will read what you said. Perhaps it will call it to your mind:—

“ In the system which seeks to maintain in our country British misrule, the  
 “ land-grabber is placed by the side of the informer, the spy, and the hangman,  
 “ that trinity of miscreants to be found at one time on the bench and at another  
 “ time in the Council Chamber in Downing Street; they try to break the hopes  
 “ and thwart the national aspirations of the Irish people. The land-grabber is in  
 “ fit company in the associations of these people. The man who would enter  
 “ into occupation of a homestead from which his neighbour had been thrown out  
 “ on the highway, and cultivate the farm that had been so evicted, and so increase  
 “ the money of the grasping landlord, would as readily swear away his nation's  
 “ liberty or put the rope round the neck of a man and end his life. Remember,  
 “ such a man is an enemy of Ireland's rights, and is a craven who would wish to  
 “ injure his country. Let him be an Ishmael in the wilderness. Let his name  
 “ go down to history as that of a craven horrid creature who happened to be born  
 “ in this Isle. Hand him down a tarnished reputation, so that his children in  
 “ days to come when Ireland is a free nation, when the banner of Irish nationality  
 “ is floating, fanned by the breezes of a free country, then men will point to  
 “ them and say ‘These are the children of a man who when Ireland was struggling  
 “ for her liberties tried to stab her to the heart.’ Vow to do what T. D. Sullivan,  
 “ who has been quoted on this platform to-day, asks:—

“ ‘No wite shall live, and till, and seed

“ ‘The land, however fair,

“ ‘From which an honest man has been

“ ‘Thrown forth on the roadside bare.’ ” ?

—That is not very accurate.



10 July 1889.]

DANIEL CRILLY.

[Continued.]

91,697.

" Now, you cannot put down this system of land-grabbing and grass-grabbing  
 " if you are not united and determined. It is not at all necessary for you to  
 " injure a single hair on the head of one of these land-grabbers ; it is not necessary  
 " for you to put upon him any physical punishment, because the moment you do  
 " that you give the victory to him, and you injure the national cause in Ireland.  
 " You can break him, you can defeat him, by your silence and contempt, quite as  
 " thoroughly as a heavy hammer could crush the root of an orange. To-day, and  
 " for the last three months, the papers of England and of Ireland have been  
 " teeming with fearful, vivid, and blood-curdling descriptions of the condition  
 " of Spain under the affliction of cholera, and I have read even in the London  
 " papers of the stampede that would take place even in a crowded street when  
 " one would be stricken down with the fearful illness. That moment his friends  
 " would leave him, and let him lie there, till death would put an end to his  
 " struggles. Treat the land-grabber in the same way. There is contamination  
 " in the presence of the land-grabber. Those who associate with land-grabbers  
 " may become land-grabbers themselves. Keep from these, and you will put an  
 " end to the British government in Ireland—the spy, the informer, and the  
 " hangman, and the land-grabber."

I gather from that that you were in favour of boycotting of the last degree?—  
 Undoubtedly—short of injury. I do not know, Sir Henry James, if you will quote the  
 authority you are reading from?

91,698. Which is that?—That report.

91,699. It is a report which has been furnished to the solicitors and counsel on the  
 other side, and has been accepted as correct?—Was it taken by a police note-taker?

91,700. Yes, by a reporter. I will give you the name of the reporter.

(*Mr. Lockwood.*) You must not say it has been accepted as accurate by me.

(*Sir Henry James.*) Yes.

(*Mr. Lockwood.*) I agree generally, but I do not think my learned friend should use  
 that expression, "accepted as correct," so as to disentitle us, or any of the witnesses,  
 whose speeches may be reported, to point out any inaccuracy.

91,701. (*Sir Henry James.*) I do not think so for a moment. What has occurred  
 was, that whenever my friends required proof of the speeches being correct, they  
 furnished us with notice. Several were served, and those we have proved, but, of  
 course, when it is read over to the witness he may say it is inaccurate?—I will accept,  
 undoubtedly, the general spirit of that denunciation of land-grabbing, but I would also  
 ask you to read a passage or two before where you commenced, in justice to me,  
 where you will find that I advised the people not to injure a hair on the head of a  
 land-grabber.

91,702. The reason I read this is because we marked it before?—Of course I accept  
 the general spirit of that denunciation. It was very strong, but I think land-grabbing  
 deserved it.

91,703. I will read with pleasure anything you wish. I do not see anything of that  
 character myself?—If you will pass it up to me perhaps I could find it.

91,704. I think what you refer to is that I read. I did read a statement not to  
 injure a person?—No, I do not think you read that, Sir Henry.

91,705. Indeed, I did?—If you will repeat it I will see whether it is the same  
 as I refer to.

91,706. You say here, "The land-grabber is in fit company in the association of  
 " these people."

(*The President.*) What is the point?

My point is, that although that is a very strong denunciation of land-grabbers, the  
 spirit of which I accept, I say that in the same speech I actually advise the people not  
 in any way to physically injure these land-grabbers whom I was denouncing.

91,707. (*Sir Henry James.*) I think this is what you wish, and what I have read.  
 "It is not at all necessary for you to injure a single hair on the head of one of these  
 " land-grabbers, it is not necessary for you to put upon him any physical punishment"?  
 —Yes.

91,708. I read that?—I beg your pardon, I must apologise.



10 July 1889.]

DANIEL CRILLY.

[Continued.]

91,709. Not at all. That being there, that represents your opinion?—It does, accurately.

91,710. As one of the witnesses, I think it was Mr. Biggar, said, anything short of physical violence you approve of in the shape of boycotting?—In the shape of boycotting I undoubtedly do.

91,711. I have another speech, but I think that fairly represents what you wish to say, and what we wish to obtain from you?—Yes.

91,712. We shall be at one upon this point. I understood Mr. Harrington was about to read something from the "Nation" of the 4th of June, in which he says there was a denunciation of crime?—Yes.

91,713. There is the paper. We see what is in it. It gives an account of the murder of Dempsey [*passing it to the witness*]. Will you read the extract Mr. Harrington?

91,714. (*Mr. T. Harrington.*) The point I was referring to at the time was not the denunciation of crime. It was a short extract recommending the conduct of the landlord who had made a reduction and met his tenants in a good spirit?—It was a paragraph written by myself in a part of the paper for which I was responsible; and I gave it to Mr. Harrington as an indication that at the time in 1881 we would welcome any landlord, and receive with gratitude any just abatement that the landlord would give, and I myself wrote this:—

"If every Irish landlord in Ireland had the strong good sense and kindly disposition of the Earl of Portarlington the land question might be very easily settled. Spontaneously and graciously he has accepted Griffith's valuation from all his tenants, and has accompanied this concession by words as timely as they are generous."

Then I record the fact.

91,715. (*Sir Henry James.*) In this same paper there is a leading article with a heading "The state of the country." Did you write that?—No, I did not write that.

91,716. Were you the sub-editor at that time?—I was the sub-editor and responsible for the front page of the paper in which the record of the week occurs.

91,717. Were you responsible for the leading articles?—No.

91,718. Who was?—Either Mr. T. D. Sullivan or Mr. Clancy, both of whom have been examined here.

91,719. Of course the paper is read together. Are you aware that in the same paper there is a denunciation of all landlords as being the cause of crime and disturbance?—I would not be at all surprised if such an article appeared, because I think the opinion of the country was that landlordism was responsible for it.

91,720. At any rate there is an acknowledgement of Lord Portarlington's action?—Yes.

Re-examined by Mr. T. HARRINGTON.

91,721. You were asked as to boycotting. In any case did you ever know boycotting to be practised against a Conservative who had supplied goods to either land-grabbers or any other persons?—No, I did not.

(*Mr. Lockwood.*) My Lord, I propose now to call some gentlemen from counties outside the five counties, and also some from the five counties, gentlemen connected with the branches of the National League in the districts from which they come, for the purpose of meeting the suggestion that this League was merely a League for the carrying out of crime and of outrage. It is for that purpose and for the purpose of showing in other counties outside those we have dealt with, as we think we have done in some of the counties implicated, that there was an active organisation with the legitimate objects which we attribute to the League? They will not be long witnesses, but they have been very carefully selected.

(*The President.*) Are you making that statement to invite any observation from me?

(*Mr. Lockwood.*) No, my Lord.

(*The President.*) Then I will not make one.



10 July 1889.]

DANIEL CRILLY.

[Continued.]

(*Mr. Lockwood.*) I was not asking your Lordship not to accept the evidence. Indeed, I am very anxious that your Lordship should accept this evidence, and I do not think there can be any objection to it.

(*The President.*) Mr. Lockwood, the only observation I have to make is that, I suppose, we are all equally anxious that this inquiry should come to an end at some time or other.

(*Mr. Lockwood.*) My Lord, I believe there is a very wide-spread wish in that direction; and I really think my Lord—I am sure I am not now taking any credit to myself, because the credit should be given where credit is due—that very great credit attaches to my learned friend, Mr. Reid, who has devoted a great deal of time and thought to this question of evidence. He has perused a great deal of evidence, and rejected a great deal, and selected some.

(*The President.*) I am perfectly willing to leave the matter in your hands as it is, only hoping that you will make it as short as you possibly can. It is becoming a very serious thing to the administration of justice that we should be detained so very long from our other duties.

(*Mr. Lockwood.*) My Lord, some of us would like indeed to return to our duties also.

EDWARD GALLAGHER SWORN; examined by Mr. LIONEL HART.

91,722. You reside at Strabane in the county of Tyrone, do you not?—Yes.

91,723. Were you chairman of the town commissioners there?—Yes.

91,724. In Ulster?—Yes.

91,725. You are one of the poor law guardians there?—Yes.

91,726. Are you a member also of the local branch of the National League?—Yes; I am the treasurer.

91,727. I want to take you very briefly through this. Are all the town commissioners, with two exceptions, members of the League?—Yes; they are all members except those two town commissioners, and those are Nationalists, and I think members of the Protestant Home Rule Association.

91,728. Do you remember a branch of the Land League being formed in Strabane?—Yes, I do, just immediately after it was started in Dublin.

91,729. Was that in January 1880?—About then.

91,730. And did you have public meetings of that Land League?—Yes, there were several.

91,731. And were they attended by people of all denominations?—Yes, they were.

91,732. How long did this branch of the Land League continue to exist?—Until it was suppressed by Mr. Forster.

91,733. After the Land League was suppressed was a branch of the National League established soon?—Yes.

91,734. Who was the president of that?—The parish priest of Strabane is at present the president.

91,735. What is his name?—The Reverend Father O'Hagan.

91,736. Who was the secretary?—He was another priest, Father McConnelly.

91,737. Who constitute the members of the National League at Strabane at the present time?—The business people and the working men, and others just in the neighbourhood.

91,738. How often does it meet?—It meets every Wednesday.

91,739. Now just one word with regard to the denunciation of outrages. Have there been frequent denunciations of outrage?—There has always been in the event of an outrage occurring, no matter where; it was denounced, as it was regarded as very much against the interest of the Irish people generally.

91,740. And has the League in times of excitement always warned the people about outrage?—It has. It has always warned them in those times at public meetings or election times to control themselves, and I may say also, at those anniversaries it has restrained the National Party, such as the 15th August or 25th March, from holding a demonstration which they usually held; and also, that, if demonstrations are made by the Orangemen on the 12th July, not to interfere in any way; and I may say there



10 July 1889.]

EDWARD GALLAGHER.

[Continued.]

have been processions in Strabane since the adoption of the Land League, although the majority of the people are Nationalists and Roman Catholics, and they have never been interfered with; and previously to that I have no recollection of their passing through the town with demonstrations.

91,741. In your opinion has the establishment of the National League in this district been beneficial in the course of peace and order?—Most unquestionably.

Examined by Mr. MICHAEL DAVITT.

91,742. One general question? Do you know of your own knowledge that there is a widespread distrust in Ireland of what are known as Castle officials?—Yes; I know that from my own knowledge.

91,743. And that distrust would extend to the head of the detective department of the Irish constabulary?—Undoubtedly.

Cross-examined by Sir HENRY JAMES.

91,744. You said something about belonging to a Home Rule League. Was that before the Land League was established?—I do not think I mentioned that.

91,745. Yes, you did?—I mentioned that two of the persons belonging to the Commissioners are members of the Protestant Home Rule Association, I believe.

91,746. That is what you may have said?—That is what I intended to have said.

91,747. Did you belong to any association before you belonged to the Land League?—No association whatever, nor no society of any kind.

91,748. I suppose Tyrone is a county where there is a good deal of difference in political opinion?—A great deal of difference.

91,749. Acute political opinion?—Yes, very acute.

91,750. Tyrone had been a very quiet county indeed, and very free from crime before the year 1878 or 1880. You know that to be the case?—Yes, I believe so.

91,751. The returns for 1877 are four agrarian crimes.

(*Sir H. James.*) My Lords, in the returns for 1887 there are four agrarian crimes, of which two were threatening letters or notices, only one injury to property, and one arson; in 1878 there are only three crimes, of which two were threatening notices; in 1879, 10, of which five were threatening notices.

91,752. When was your Land League established?—About the year 1880.

91,753. Can you give it a little more accurately, if your memory serves you?—I think in January of 1880. I believe it was.

91,754. You have given me the date of your suppression?—I do not know exactly the date; it was after Mr. Forster passed his Coercion Act.

91,755. About the same time as the General League was suppressed?—Yes, but the National League was immediately started—the National League has been principally used in that neighbourhood as a registration institution for the purpose of carrying out the parliamentary elections.

91,756. You came into existence again in the shape of the National League. Will you give me the date of that?—Just immediately after the National League had been started in Dublin.

91,757. Very well, we have that date, October 1882. Then I gather from you, that your National League has existed principally as a registration association?—That was the duty to which it was principally devoted to discharge.

91,758. And no other?—No.

91,759. You kept well within those duties and attended to registration?—Yes, successfully.

91,760. And there are no outrages connected with registration, I suppose.

(*Mr. Lockwood.*) I do not know about that.

Mr. JOHN O'HAGAN sworn, examined by Mr. TIMOTHY HARRINGTON.

91,761. You reside at Carrickmacross, in the county of Monaghan?—Yes.

91,762. You have resided there a long time?—Yes, the principal part of my life.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

91,763. Do you occupy an official position there at the present time?—Chairman of the town commissioners, deputy vice-chairman of the board of guardians.

91,764. Were you a member of the Land League?—I was.

91,765. There is also a local branch of the National League, are you a member of that?—Vice-president I am.

91,766. In that district do you know whether there was a good deal of distress in 1879?—A good deal.

91,767. In your portion of the County of Monaghan?—Yes.

91,768. Had the establishment of the Land League a beneficial effect in preventing that distress?—Of course it had, a very great effect.

91,769. Previously to the establishment of the Land League, were you aware that crime existed in portions of the County of Monaghan?—Well, I could not say much about the crime; I did not know much about it, more than in our neighbourhood.

91,770. Since the establishment of the Land League, do you know of any outrages or crimes?—The general conduct of the people has very much changed in the last 10 years. Since the establishment of the League, there is nothing of the quarrelling or fighting or crime that was about before.

91,771. You find, at all events, the effect of the establishment of the Land League has been in your locality to make the people harmonious and better?—Harmonious and done away with all those party scrimmages they had amongst themselves, what they call party business or ribbonism.

91,772. Had the ribbon society existed in your district, do you know?—It was supposed so; I never knew any society myself.

91,773. It was supposed to have existed in your district long before the establishment of the Land League?—Yes.

91,774. Have you been served with any writ or process of ejectment?—I was.

91,775. Was that for non-payment of rent?—No, it was not, it was for being Vice-President of the National League, I think,

(*The President.*) It cannot be literally that.

91,776. (*Mr. Timothy Harrington.*) Who is your landlord?—Mr. Shirley.

91,777. Did he make that statement to you?—In telling me he withdrew the proceedings, he said I was Vice-President of the Land League, and I should not have allowed him to be boycotted. I said I could not prevent it; it was out of my power to prevent it.

Examined by Mr. DAVITT.

91,778. You have lived in Carrickmacross nearly all your life?—Yes, I have lived 60 years of my life there.

91,779. Do you remember what is known there in the traditions of the people as the Battle of Fearney?—The Barony Fearney.

91,780. I am talking about the cattle of Fearney, when the agent was carried off by the tenants?—I saw him carried off, the late Mr. William Stewart French.

91,781. And, I suppose, the particulars will be found in Mr. French's "Realities of Irish Life"?—Yes, but I think they are not very particularly stated by him.

91,782. You recollect, doubtless, that in those days a number of agrarian outrages were committed in connexion with the land in that part of Monaghan?—Yes, at that time; that is in 1851 and 1852.

91,783. Since the Land League started, you say there have been very few outrages?—Very few.

91,784. One general question, would you say that during the last 10 years the people of that part of Ireland have had confidence in those who administer the law in Ireland?—I could not say that.

91,785. You could not say that they have confidence?—I could not say generally.

91,786. Would you say there is a distrust in the minds of the people in those who administer the law?—Some of the magistrates are very fair.

91,787. I am not speaking about the magistrates; I am speaking about the police officials?—There is a general feeling against the police.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

91,788. Is that an account of their belief that the police are a body-guard for landlordism, and that they do not act as the police do in other places?—It is not so much in our part of the county as it is in others.

91,789. Is that from the fact that they have not carried out so many evictions in your part of the county?—Yes, that is the fact.

91,790. (*The President.*) What was the book?—The “Realities of Irish Life” by William Stewart French.

## Cross-examined by SIR H. JAMES.

91,791. Where do you live in the county of Monaghan?—Carrickmacross.

91,792. That is rather central, I think?—It is the southern extremity of the county.

91,793. I understand you that the Land League has had a very peaceful effect?—Yes, since the Land League was established in Carrickmacross and Barony Fearney.

91,794. I am speaking of the county of Monaghan generally?—I do not know very much about the county outside our own barony.

91,795. Do you know there are branches of the Land League throughout Monaghan?—I do.

91,796. Hearing what you say, I find that of agrarian crimes in 1877 there were only six throughout the whole county, two of them for threatening letters; in 1878 only six; in 1879 only eight. Now we come to the Land League years. In 1880 there were 19; in 1881, 52?—Does it state how many of those were in Fearney?

91,797. No?—I am speaking of Fearney myself.

91,798. But as to your barony, if that is right, in 1877 you could only have had beyond threatening letters four, and four in 1878, and four in 1879; if they had all occurred in your barony?—1879 was a very bad year, and a great many people lost their places that year.

91,799. Bad year in what?—The crop was a bad crop in 1879.

91,800. I am speaking of crime?—Poverty generally brings crime.

91,801. I am giving you the figures, that, apart from threatening letters, there were only four agrarian crimes in the whole of the county in the year 1879?—I cannot say for the county, I know for our own part of the county for the last 10 years, there has been a very marked change in the people.

91,802. Your barony is only a part of the county; I am giving the whole of the county?—It is considered the wickedest barony in the county.

91,803. What influence did you say you exercised there, Mr. O'Hagan?—Influence?

91,804. I thought you had stopped all crime; that you had attained a millennium; that shillelaghs were put on one side, and there was no fighting, or anything of that kind?—There is very little to that I remember it.

91,805. How has the Land League affected that. As I understand from you, they can stop crime if they like. How did they affect it in your barony?—They were all most anxious to assist in carrying out the Land League; and it is the clergy who were at the head, which is so, generally speaking, in the branches of the Land League, and they have a wonderful influence over the people when they meet them, and speak to them, and latterly it has been the constant theme with them, that this crime was the only thing that prevented us getting what we wished for.

91,806. The clergymen you say have a very great influence with the people, and if they like to exercise that influence they can stop crime?—I will not say stop crime in any case, but so far as they can go they have always been inclined to stop crime, and do so.

91,807. As far as you know, in Monaghan they do it?—As far as I know in Monaghan they do it.

91,808. By what means do you think?—By lecturing to the people, and example, and putting it down in every way that they can.

91,809. Do you think they were successful in the years 1880, 1881, and 1882, in rendering crime less than it had been in previous years?—Well, there may be other objects and other places in the county. There might be reasons for these things that I do not know anything at all about.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

91,810. You keep to your own barony?—Yes.

91,811. Did secret societies exist in this comparatively wicked barony of yours?—At present?

91,812. No, I am speaking of the year 1880 when the clergy interfered?—It was very notable there.

91,813. What were the secret societies?—They were called the ribbon-men.

91,814. That was an old secret society?—Yes, an old secret society.

91,815. Deeply rooted?—Deeply rooted.

91,816. Even in your barony?—Yes.

91,817. Then the clergy were able to root up that deeply-rooted society, were they not?—They were; they did their best.

91,818. By exercising their legitimate influence?—Yes.

91,819. In bringing it to an end?—In bringing it to an end.

91,820. And so diminishing crime?—Yes, the principal part of the people were enrolled in the Land League and National League, that brought them more in contact with the clergy.

91,821. By bringing them in contact with the clergy, they could prevent them remaining in the secret societies, and so, as you think, diminish crime?—Yes, I think so.

91,822. If the clergy did not exercise that influence, I suppose the state of your society from the distress would have caused crime to have existed?—Well, I think the people are getting more enlightened.

91,823. In 1881 and 1882, I am upon?—I think, in the last 10 years there is a very marked change of manner in the people and in their desire for their rights.

91,824. My question did not apply to the last 10 years. I am speaking of 1881 and 1882. About 1881 and 1882 was the state of your neighbourhood such that if the clergy had not exercised that influence, crime would have increased?—I do not say it would have increased.

91,825. But it would not have diminished?—I do not think it would not have diminished only for the influence of the clergy.

91,826. Then the clergy in your neighbourhood through the agency of your Land League as I understand you?—Yes.

91,827. Were enabled to root out the secret societies and diminish crime?—Yes, they got to a certain extent to the heads of those secret societies, they were more or less boycotted out of the society; they were very well known in the country.

91,828. You said something about your landlord. Did you have any boycotting in your district?—Oh, yes.

91,829. When did that boycotting commence?—Well, it was in 1876—I think about 1876.

91,830. It was not known as boycotting then?—Or 1886 I should have said.

91,831. Was your landlord boycotted?—Yes.

91,832. Who boycotted him?—Well, the people of the town and the neighbourhood round.

91,833. Were they Land Leaguers?—They were not Land Leaguers, they were National Leaguers.

91,834. Was that boycotting ever brought before your League?—Yes.

91,835. Was it approved of or disapproved of?—Yes, approved of.

91,836. To what extent do you think that boycotting is permissible within your wicked barony?—This boycotting only extended so far as dealing and supplying the parties that were boycotted with articles or labour.

91,837. Supplying the persons who were boycotted with the necessaries of life?—Yes.

91,838. Would that be refused to them?—In some instances it would.

91,839. And approved of by your society?—Yes.

91,840. And by your clergy?—Yes.

91,841. And resolutions passed in respect of such disapproval?—Well, I could not say as to the resolutions. It was understood at the meetings, but I could not say for resolutions.

91,842. People obeyed the resolutions, did they not?—Well, very badly.

91,843. How do you mean "very badly"?—They were "going through the groups" as they say, as far as they could. The people who were boycotted were getting goods.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

91,844. They did not carry out the boycotting?—Not as a rule.

91,845. That is what you mean by saying very badly. They behaved very badly?—Well, they did not keep up.

91,846. To your standard, is that what you mean?—I had no occasion to boycott any person.

91,847. You were vice-president of the Land League. These views were coming before the Land League, and the tradesmen were ordered, as you say, not to supply the necessities of life to certain persons?—Yes.

91,848. Then if they would not obey that, I understand your view is that they behaved badly?—They did.

91,849. They did behave badly?—Yes.

91,850. That is according to your standard?—Yes.

91,851. I think you said your barony was a wicked barony?—No, it is not at present ; it was.

91,852. It is not as bad as it was?—No.

91,853. If these tradesmen supplied the people with the necessities of life, do you think that adds to the wickedness of your barony or takes away from it?—Well, I do not think it takes very much away, and it does not add much to it.

91,854. What did you boycott people for?—Well, we boycotted them for evicting the tenants.

91,855. That was the landlord?—That was the landlord, and the bailiff, and the agent. Those were the only parties that were boycotted.

91,856. The bailiff?—Yes.

91,857. Then only the landlord and the bailiff?—The landlord, and agent, and bailiff.

91,858. Do you know whether the people who supplied the bailiffs or agents would be boycotted too?—Well, I think, as far as I know, the agent and bailiff went to their places for their goods.

91,859. If a person supplied an agent or bailiff, would such person be boycotted?—Well they would ; according to the rules they should be boycotted.

91,860. And as far as you know you carried your rules into effect, I presume?—Well, I could not say they did.

91,861. Why not?—It was said that some people did give goods to those persons.

91,862. But as far as you were concerned?—I had nothing to do with them ; they never dealt with me.

91,863. But you were vice-president of the National League?—Yes.

91,864. As far as you were concerned you would wish to see those rules carried into effect—enforced?—I would not say I would wish it.

91,865. Enforced?—There are many things done I approve of and disapprove of too.

91,866. My friend Mr. Lockwood wants to know what you said?—I said there are some things you have to approve of and other things you would not like to approve of.

91,867. What do you mean by that. They never boycotted you, never mind ; did you approve of things you did not wish to approve of?—They made me pay for it.

91,868. What?—They brought an execution against me for my rent, because I belonged to the society, that is all.

91,869. But the Land League never made you approve of what you really did disapprove of?—You might not approve of everything the Land League might do, although you are a member of it.

91,870. Did you approve of what the Land League did?—Yes, I did.

91,871. Of all of it?—Yes.

91,872. Then that last answer does not apply to you?—Well, I did.

91,873. Did what?—I did approve of it.

91,874. Then the last answer that you gave that you may disapprove, or somebody may have to approve of what they disapprove, does not apply to you. You did approve of it all?—Yes.

91,875. Did you wish to see the rules that were made to boycott persons who supplied goods carried into effect?—Yes.

91,876. What steps were taken to enforce these implied or understood views of the Land League?—I do not know of any.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

91,877. Anything but boycotting?—They were merely mentioned. I do not think there was ever any arrangement made to see whether the rules were carried out or not.

91,878. It was pretty successful, I suppose?—Well, I do not think it was. We had not much occasion there.

91,879. Why?—There were only two or three parties in the whole place whose names were mentioned in boycotting.

91,880. And they were boycotted, and the boycotting was successful, according to you?—No, it was not successful.

91,881. What do you mean by saying there were two or three persons whose names were mentioned; were they landlords?—Landlords, agents, and bailiffs.

91,882. What I understood you is that your landlord, Mr. Shirley, was boycotted?—He was.

91,883. Pretty well, nicely?—No, it did not give him a great deal of inconvenience. He got all his goods from Dublin.

91,884. He was able to get them?—He was able to get them. He did not starve.

91,885. You did as nicely as you could with him?—We did.

91,886. But he objected to it, and you were vice president?—Yes.

91,887. Of course he ought not to have objected; I suppose he ought not to have objected to anything you did?—Well, I did not object to anything that he did politically.

91,888. You objected to what you call the execution?—He was paying me back with my own coin.

91,889. Irishmen express themselves so eloquently; that is exactly what I wanted to get from you. Your coin was good sterling coin, there was a ring about it?—It was; I had to pay the money.

91,890. There was a ring about your good sterling coin?—Yes.

91,891. And then he paid you back?—He did.

91,892. Was not that fair dealing?—It was very fair.

91,893. (*The President.*) I want to understand what your complaint of him was. There was an execution put in?—Yes.

91,894. You had not paid your rent?—No, there were none of the tenants paying their rent at the time, and there was a writ served upon me.

91,895. It is not to be presumed for a moment that you could not pay your rent?—No, my Lord, I could pay it.

The Court adjourned for a short time.

(*Mr. Davitt.*) My Lords, I have a statement to make in respect of what I consider a matter of the most serious importance, and I will thank your Lordships to give me your attention for a moment. It is a matter that appears in the "Evening News and Post." "Dynamite Scare. An Interview with Mr. H. Hantler," whom I understand is the superintendent of this building. The interview puts this language into the mouth of the superintendent of this building:—

"In answer to a question by our representative as to whether he had taken special precaution in consequence of the number of possibly disaffected Irishmen present at the Parnell Commission, Mr. Hantler said that he had asked for 12 more men, and he was allowed six, but by possibly weakening other places in the Courts he had managed to get 13 or 14 men specially watching the Commission. All the approaches to the Commission Court were guarded with extreme care, and morning and night were very carefully searched."

My Lord, it is with reference to another article in the same paper, last night, that I wish to make the application, and, according to this article, it seems that six machines, purporting to be dynamite machines, were placed yesterday in this building with the connivance of someone in connexion with these Courts, and with the knowledge of Scotland Yard, as disclosed in this paper. I will read from the "Post," last night, only one sentence:—

"This becomes the more imperatively necessary when we remember how many desperate enemies of England who would rejoice if half London could be laid in ashes, have recently been attending the Parnell Commission."

Now, my Lords, my application is, that the persons who placed these machines inside the Court, and the editor responsible for the article, be brought here, in order



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

that we may have the truth. It strikes me there is a great deal in this business similar to what we have experienced in Ireland at the hands of Mr. French and Mr. McDermott.

(*The President.*) I have heard something of this before about some machines having been brought into the building which it was said might have been dynamite machines, and I believe the police have been endeavouring to find out anything that is to be found out about it. Of course if anybody is brought before us, proved to have done so, we shall have to deal with him, though probably he would be better dealt with in some other tribunal. But in regard to the articles in the paper I do not see anything to complain of. There is nothing for which I can call upon the editor to come before me. It is only an alleged statement of fact about these things being brought here. It is not accompanied by any observations which are objectionable.

(*Mr. Davitt.*) It does state it is in consequence of the number of disaffected enemies of England who wish to lay London in ashes, who have come here as witnesses that these are put inside this Court, and the superintendent makes this statement—"It is in consequence of these witnesses being Parnell witnesses"—

(*The President.*) No, no. All I gather from that is that it being heard that these machines had been brought here, he had taken the proper steps to secure the Court. That is the meaning of that so far as the superintendent is concerned. It resolves itself into this, which I see you call my attention to—that somebody has said that these disaffected persons have been here as witnesses.

(*Mr. Davitt.*) It is so stated that in consequence of disaffected persons having been brought here as witnesses presumably on our side these Courts might have been blown up.

(*The President.*) Read the sentence again.

(*Mr. Davitt.*)

"Under these circumstances it is in every way desirable that you should tell the public how the matter really stands, and so insure the immediate removal of the risks that you have hitherto been running. This becomes the more imperatively necessary when we remember how many desperate enemies of England who would rejoice if London should be laid in ashes, have recently been attending the Parnell Commission."

(*The President.*) It does not say as witnesses.

(*Mr. Davitt.*) I think it broadly suggests it, my Lord.

(*The President.*) I cannot agree with that; there are many other persons besides those attending as witnesses that have been attending here. A great deal comes to my knowledge which is not brought before the public. I have heard about this, and as far as I can form an opinion, I do not feel in any apprehension myself.

(*Mr. Davitt.*) I am glad to hear it, my Lord, nor am I.

(*The President.*) I rather think if you could get at the bottom of it it is a very silly hoax.

(*Mr. Davitt.*) A very silly hoax made to tell against us in the minds of the public.

(*The President.*) I do not think it is in any way likely to do so. From what I collect it is this: That somebody has been playing this silly hoax and brought some machines into the precincts of the Court, to show how very negligent the police were, and how very easy it would be to blow us all up if so minded.

(*Mr. Davitt.*) My statement is that Le Caron—that these machines were brought into this Court by Le Caron with the sanction of Houston.

(*The President.*) You have no right to say that.

(*Mr. Justice A. L. Smith.*) You have no right to make such a statement without proving it.

(*Mr. Davitt.*) I have made a respectful application, my Lord.

(*Mr. Justice A. L. Smith.*) You finish it up with a statement for which you have not a rag of evidence.

(*Mr. Davitt.*) If these statements go forth, and we have no means of inquiring into them, I think we have a right to retaliate.

(*The President.*) You have the means of inquiring into them by going to the police. You have brought it to our attention.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

(*Sir H. James.*) Mr. Davitt has made a statement in reference to Le Caron. I want to say that this person Le Caron, whom he has referred to, has not been in England for the last seven days.

(*The President.*) I regret very much that Mr. Davitt has departed from his usual demeanour.

(*Mr. Davitt.*) I feel very strongly.

(*The President.*) I can easily understand that you feel very strongly; but it should be stated in a proper way.

Mr. JOHN O'HAGAN recalled; re-examined by Mr. LOCKWOOD.

91,896. As I understand, Mr. Hagan, your general knowledge of the district enables you to say that previously to the establishment of the Land League there were secret societies, such as Ribbon Lodges?—Yes.

91,897. And in your opinion the action of the League tended to suppress those societies?—I think so; that is my opinion.

91,898. And in your opinion did the tone and temper of the people generally in that district improve after the establishment of the League?—Very much.

91,899. Now you have been asked as to the action you took with a view to boycotting persons; as I understand, the boycotting was directed to the landlords who evicted, and the bailiffs who carried out their behests?—Certainly.

91,900. In your opinion was it necessary for the purpose of protecting the tenants that there should be some such combination as the Land League?—Certainly.

Mr. FRANCIS ARTHUR O'KEEFE, M.P., sworn; examined by Mr.

91,901. Are you a Member of Parliament?—I represent the City of Limerick.

91,902. You are Mayor of Limerick?—I have had the honour of being the Mayor of Limerick for three years.

91,903. I do not know whether you are one of the persons charged?—I perceive by the schedule I am.

91,904. Had you anything at all to do with crime, or complicity in it?—None whatever.

91,905. I have called you for another purpose, as being Mayor of Limerick, to put one or two questions to you; have you had experience of the Land League and the National League in your district?—Yes, for the past three years there has scarcely been a meeting held in my locality, in city or county, that I have not been identified with.

91,906. Has the Land League in your locality been joined by respectable persons—by most of the respectable neighbours?—Yes, of the City of Limerick, of which I can state pretty accurately, the League is composed of all the members of the Corporation, the leading merchants, and the general public.

91,907. Is that so in the neighbouring district with which you are acquainted?—Yes, as far as I can observe by public report.

91,908. As far as your knowledge and observation goes have you ever known the League to contribute towards crime and outrage?—Quite the contrary; I have heard hundreds of resolutions and declarations deprecatory of any crime, which I will tell you does not exist in the county or city. The records of all the sessions, quarter sessions, and other petty sessions, are perfectly blank; so much so, that I may say that the learned county court judge at the last session said he was quite tired of receiving white gloves.

Cross-examined by Mr. ATKINSON.

91,909. I did not catch what you said last?—The county court judge of Limerick said he was quite tired of receiving white gloves.

91,910. The county court judge can have nothing to say to a criminal unless he is first detected?—You have 12,000 police in Ireland, and if criminals exist you ought to catch them.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

91,911. Did the Land League assist the police greatly in the detection of criminals?—Yes, I would say they would as regards the detection of any crime that would be against the well being of the community.

91,912. Do you mean to say the people of the Land League gave the police assistance in detecting agrarian crime?—I am not aware that any agrarian crime could possibly be committed in the city of Limerick.

91,913. I am going to ask you that, is your experience of the Land League entirely confined to the city?—No, I have gone through the county on several occasions.

91,914. Does your experience of the police extend beyond the city?—No, I have been selected on many important matters in connection with the county.

91,915. Have you any knowledge of the condition of the people in the county?—Yes, I have considerable.

91,916. Do you say there are no agrarian crimes in the county?—I am not aware of any.

91,917. Have you looked through the returns at all?—Yes, I have, and as you are aware also yourself, there has not been an agrarian murder in Limerick for the past 25 years, since the time Bickham was executed for murder.

91,918. As to outrages of a minor kind?—Not that I am aware of. I know the gaols in Limerick pretty well for the last three years, except some petty charges under the Coercion Act for obstructing the sheriff, or the police.

91,919. The gaols are only for criminals, are they not?—That is not my fault.

91,920. Whose fault is it?—You have 12,000 police, and I do not know many magistrates at your command, and if any crime is committed you ought to be able to detect it.

91,921. Without assistance from the people?—I deny altogether that there is any such crime existing as you allege. I am not aware of it.

91,922. For instance, incendiary fires; are you surprised that in Limerick, while there were only three in each of the years 1877, 1878, and 1879, there were 15 in 1880 and 41 in 1881?—I cannot speak authoritatively of those years. I was not in public life at that time.

91,923. When did you enter public life?—Well, in the year 1886.

91,924. Does your experience start from that?—No, I have always been an observer of current events in Ireland. I have always, since I was in school at Clonmel, gone for the Nationalist ideas as far as I could give them expression.

91,925. As to threatening notices?—I do not regard those. I am aware that they may be manufactured to order.

91,926. Do you think they were?—I do in certain cases.

91,927. They were only in Limerick in 1877, 4; in 1878, 8; in 1879, 17; but they were in 1880, 95; and in 1881, 100?—I do not believe those were *bonâ fide*.

91,928. After the passing of the Crimes Act the manufacture fell down to 70, and 32 in the next year—do you think they were manufactured?—I do not believe that they were. I do not believe if such letters had been written, that they were written with any intent I am aware myself that some threatening letters have been written, but I think they were written by some party wishing to bring discredit upon the National cause, or for their own self interest.

91,929. People wished to discredit the National League?—I would not say that, but I would say that certain letters have been written that did not emanate from genuine motive, even as regards the carrying out of the threat.

91,930. Did not you say some of them were manufactured by some persons who wanted to bring discredit on the National movement?—Yes, I do believe that.

91,931. Are they a numerous class?—I cannot say that.

91,932. Who do you think would write threatening letters to bring discredit on the National league?—I cannot say. I heard it. I cannot give you individuals.

91,933. From what class?—I cannot say that—that is the prevailing about those letters.

91,934. Do you advocate boycotting?—I do not advocate boycotting. I say I approve of boycotting if is necessary in certain cases, but I am not aware of any case in the County of Limerick of boycotting, at present, I think, beyond one.



10 July 1889.]

JOHN O'HAGAN.

[Continued.]

91,935. Did you attend a meeting on the 16th November 1887, in the theatre at Limerick, to raise funds to erect a memorial to Allen, Larkin, and Gould?—I presided at it. I was there in my capacity as mayor. I was not in Parliament at that time. I was only elected the last few weeks.

91,936. This was November 1887?—Yes.

91,937. Did you make a speech in praise of these men?—I spoke some introductory words. I think it was in connection with Mr. Davitt delivering a lecture, as well as I remember.

91,938. Did not you encourage the people to give subscriptions to raise this memorial?—Certainly, I did, and I will tell you that monument was erected by the citizens of Limerick and part of the county at the cost of over 1,000*l*. It was done to the memory of those men who were respected in Ireland.

91,939. For what reason?—Because I believe they were hanged unjustly.

91,940. How do you mean?—I do not think they were guilty of the crimes with which they were charged.

91,941. The crime of murder?—I do not call it murder.

91,942. Were they guilty of any crime?—I say certainly not. I believe the men were innocent. I say I believe the men were sacrificed to political passion at the moment. Of course, it was a little before my time, in the year 1867. I have often read all about it and come to that conclusion.

91,943. Do you believe they were convicted unjustly?—I believe they were; but I found three reasons upon which these men, I believe, were hanged unjustly. I will give them to you if you wish to hear them.

91,944. What are the reasons?—In the first place, the evidence on which these men were convicted; they were tried on a joint indictment, and one man was subsequently released, even before the execution, on the grounds that he was not there; secondly, even assuming that he did fire the shot, they did not do so with intent; and thirdly, I have read the dying declaration of those men—I think it was in the speech from the dock—in which, on the eve of their execution, they actually declared they did not even fire the shots. That is my recollection.

91,945. Did they say who did fire the shots?—That I do not know; what they would say at that time would not be of very much effect; besides they were not bound to say.

91,946. In this return for the county of Limerick of agrarian crime, are you aware whether in this very county of Limerick, a very great number of members of this Land League were not convicted of different crimes beginning in the year 1882?—Well, I will not speak positively to that; I go back merely to the year 1886, that is to be very definite; but I am not aware generally, as a Limerick man, that there have been any convictions of that kind.

91,947. Do you know, one way or the other?—I do not speak authoritatively; I do not know exactly, but I do not believe that there were. If you will kindly mention the cases to me, I may recollect them then.

91,948. Do you know a man named Michael O'Connor, of Abbeyfield?—No.

91,949. John Grainey, of Abbeyfield?—No.

91,950. Do you know any man that was convicted in the county of Limerick before 1886?—I do not.

91,951. You know nothing about it, in fact?—I do. I give you general evidence as regards the state of the county of Limerick; the most peaceable county in Ireland, as can be proved by the records of the assizes.

Re-examined by Mr. R. T. REID.

91,952. My learned friend said you know that so many persons of the Land League were convicted; I did not object to the form of the question, I am not aware that one has been proved?—No, and I do not believe that one has been proved.

(*Mr. Houston.*) May I ask permission, my Lords, simply to deny what has been said.

(*The President.*) No.



10. July 1889.]

DANIEL RYAN.

Mr. DANIEL RYAN sworn ; examined by Mr. LIONEL HART.

91,953. You are Mayor of the city of Cork ?—Yes.

91,954. And a member of the Cork Corporation for 30 years ?—Yes.

91,955. And a member of the committee of the Land League from its organization in October 1880, until its suppression in 1881 ?—Yes.

91,956. You have been a member of the National Lergue since its foundation in 1882 ?—Yes.

91,957. Do you hold any office in the National League at the present moment ?—I was on the committee.

91,958. Now, Mr. Ryan, from your experience as Mayor of your borough, and from all the information you can gather, what, in your opinion, has been the influence of the National League in this district with regard to crime and outrage ?—As far as I know with regard to crime and outrage in Cork and its vicinity, it has always preached the doctrine of peace and quietness, and prevented outrage in every shape and form that came under its observation. And I may tell you further, that there was scarcely a committee meeting for several years that I did not attend up to within the last two years, since I became mayor, I have attended every meeting I believe, with one exception, during the whole time ; and there was nothing occurred that I could find the least objection to.

91,959. I will take you to one meeting in particular, and one only ; do you remember a meeting that was called after the Phoenix Park murder in May 1883 ?—I do.

91,960. Do you remember ?—I do ; that occurred on the following Sunday immediately after the murder. The murder was on the Saturday evening, and a few friends called a meeting together immediately after on Sunday and denounced the murder as much as possible.

(Sir H. James.) This is the first witness I have to make an application in reference to, and I have to ask your Lordship to allow me to postpone until to-morrow morning the cross-examination of this witness. My friends have had some consideration shown them in the course of the evidence.

(The President.) Yes.

(Mr. Reid.) Of course I do not want to raise any undue objection, but my purpose is now to call a number of gentlemen of distinguished position from different parts other than from the five incriminated counties, to say what the character and conduct of the League has been elsewhere, as well as in those counties, and we want to release this gentleman. My friend is perfectly well aware surely of all these persons ; will he say that he has not had instructions this gentleman is going to be called ; they have known every witness that is going to be called.

(Sir H. James.) Indeed, we have had no instructions with reference to this gentleman. I have only asked that this witness may remain until to-morrow.

(The President.) It seems to be a perfectly reasonable application, and in other cases it has been acceded to.

(Mr. Reid.) I do not know whether there are any more ; I suppose you can stay ?

(The Witness.) I have no objection. The only objection I have is, I desire to get away this evening, and it is important that I should get home. If you could have disposed of me I should be only too glad, but under these circumstances I fear I cannot.

Mr. THOMAS TOOLE sworn ; examined by Mr. ARTHUR RUSSELL.

91,961. Is your name Thomas O'Toole ?—Thomas Toole.

91,962. You are the mayor of Waterford ?—Yes.

91,963. Were you in Waterford during the Land League period ?—No.



10 July 1889.]

THOMAS TOOLE.

[Continued.]

91,964. When was the National League started in Waterford?—In the year 1884.

91,965. How long did it continue?—It was suppressed by order of Mr. Harrington in 1885.

91,966. Why did Mr. Harrington suppress it?—Because there were some matters brought under his notice that he did not approve of, and he attributed the trouble to some local causes, and he suppressed the National League there.

91,967. Did it start up again, the National League?—Yes, it started last year, in March of last year.

91,968. Was that owing to your action? Did you start it?—Well, I went to Dublin to see Mr. Harrington to get his permission to start it.

91,969. Did you hold any office in the fresh League you started?—Yes, I am president of it.

91,970. Now has this League of yours been active and energetic?—Well, I may say that the operations of our League have been confined to the city, and I have assisted in every way I possibly could to promote the cause of Irish nationality, and just to assist in every possible way we could to regain our native parliament.

Cross-examined by Sir H. JAMES.

91,971. I understood you to say your operations were confined to the city of Waterford?—Yes, principally.

91,972. I suppose you would have been in sympathy with the agrarian community, but in your town I suppose you had not many wrongs to redress?—In the city we had not many. My opinion was that the influence of the National League was more with agrarian matters, such as the land; and we confined our operations to the city, and we did all we could to keep up the national spirit, to keep Waterford in a line with the rest of Ireland.

91,973. Yours was purely a political action to support the views you entertained with reference to those outside the city?—Yes.

91,974. I should like to ask you a little about Mr. Harrington's suppression of the League, did Mr. Harrington write to you on the subject?—I may mention I was not a member of the League at the time it was suppressed; only I know it of my general knowledge. I was actually in the League-room at the time. I had a notion of joining it. I thought every Irishman should join it and be a member of the League. I went in the room to see how they were getting on, and that very evening a telegram came from Mr. Harrington, advising them to suppress the League. I was in the room at the time, and that was acted upon immediately.

91,975. It was a telegram?—He may have written the particulars afterwards, which I did not know of. I had no communication with Mr. Harrington until I went to Dublin afterwards to see him.

(Mr. Lockwood.) I understand the letter was put in, the letter of Mr. Timothy Harrington.

(The President.) We had a letter. I did not know it related to this.

Mr. JOHN COYLE sworn; examined by Mr. LIONEL HART.

91,976. You are, I believe, the mayor of Kilkenny?—Yes.

91,977. Were you a member of the Land League?—I am a member of the National League.

91,978. Were you a member of the Land League?—No.

91,979. You are a member of the National League?—Yes.

91,980. How long have you been a member of the National League?—Since its inception.

91,981. Have you held any office in it?—Not at present, I am just merely a member of it.

91,982. From your experience, Mr. Coyle, what in your opinion has been the effect of the Land League as far as outrage and crime are concerned, in your neighbourhood?—It has a most salutary effect in keeping down crime, and also giving advice to the members to keep within constitutional means for the attainment of the redress of the wrongs of Ireland.



10 July 1889.]

JOHN COYLE.

[Continued.]

Cross-examined by Sir H. JAMES.

91,983. What effect do you say the Land League had?—It had the effect of keeping the members of the branch and the people generally in the county within constitutional lines for the attainment of their object in redressing the grievances of Ireland, and bringing about by every means the improvement of our country.

91,984. You called yourself an alderman. I gather you live in the City of Kilkenny?—I do.

91,985. Do you confine your views to the city, or do you extend them throughout the country?—Generally to the city, but I know the country also very well.

91,986. What is your own occupation?—I am a printer, bookseller, and stationer.

91,987. Do you occupy any land?—I do not.

91,988. You live in the City of Kilkenny?—Yes.

91,989. And are a member of the National League?—A member of the National League.

WILLIAM DEVEREUX SWORN; examined by Mr. LOCKWOOD.

91,990. Are you now the mayor of Wexford?—Yes.

91,991. Is this your first year of office as mayor?—Last year and this year.

91,992. I do not think you have ever been a member of either League, either the National League or the Land League?—No.

91,993. But do know that there were branches of both these Leagues in the neighbourhood in which you lived?—Yes.

(Mr. Lockwood.) This is very impartial testimony your Lordship will see.

(The President.) Have mayors any special knowledge of the Land League?

(Mr. Lockwood.) But if a man is holding a responsible office it may possibly add some weight to his testimony. I do not know how that may be, what the precise weight of mayoral authority may be with your Lordship.

91,994. There have been, I believe, branches of these Leagues in your neighbourhood?—Yes.

91,995. Will you tell me first with regard to the Land League, in your opinion, at the time the Land League came into operation, was some combination necessary for the protection of the tenants?—Yes.

91,996. What, in your opinion, was the effect of the Land League, and also of the National League, so far as the occurrence of crime and outrage is concerned?—It kept down crime and outrage.

91,997. And you believe that was the influence that it exerted in the neighbourhood in which you live?—Yes.

91,998. Is that your opinion, both with regard to the Land League and the National League?—Yes.

Cross-examined by Sir H. JAMES.

91,999. I should like to know what you know about it. You have never belonged to any secret society, of course?—No.

92,000. Never in any way?—No.

92,001. Of any kind?—No.

92,002. You have not belonged to the Land League?—No.

92,003. When did you join political life?—I never joined political life.

92,004. Oh, yes you have; excuse me for telling you. You never entered political life at all?—No.

92,005. Had you taken no part in politics before you were elected to be mayor?—No.

92,006. When did you enter the Town Council there?—About 20 years ago.

92,007. And by degrees you have become mayor?—Yes.

92,008. Then you lived in the town of Wexford?—Yes.

92,009. Do you hold any land?—Yes.

92,010. Where?—In the neighbourhood.



10 July 1889.]

WILLIAM DEVEREUX.

[Continued.]

92,011. As tenant?—Yes.

92,012. Was there any difficulty about your rent?—None.

92,013. Then you have had no experience of the Land League's blessings?—No, except through my customers, farmers.

92,014. Then will you be good enough to tell us why it is you know more about this matter we are inquiring into than any other person in Ireland, or a good many?—I beg your pardon?

92,015. Perhaps you will explain why it is you know more about the matters we are inquiring into than any other person in Ireland. Do you think you do; perhaps I should ask you that?—No, I do not.

JOHN CONNOLLY sworn; examined by Mr. LIONEL HART.

92,016. You are the mayor of Sligo, I believe?—Yes.

92,017. Are you a member of the National League?—Yes.

92,018. Have you been so for many years?—Since 1884. I was a member of the Land League also.

92,019. Prior to that?—Yes.

92,020. Do you hold any office in the National League?—Nothing but an ordinary member.

92,021. From your experience, can you tell us what, in your opinion, has been the effect of the National League as far as crime and outrage in the neighbourhood have been concerned?—I attend their meetings. At every meeting that ever I have been at nothing occurred but what was honourable and just to every man; and the teaching of the League—of the branch of the League I happen to be a member of—teaches nothing but what is right and just, and stamps out crime of any class that I have known of.

92,022. Has your branch of the League condemned outrage?—Yes, by all means.

92,023. On many occasions?—Yes.

Cross-examined by Sir HENRY JAMES.

92,024. I understood you to say that the Land League stamps out crime?—Yes.

92,025. Did it in 1880 and 1881 and 1882, or 1881; I ought to ask you did it stamp out crime then?—Always, I believe.

92,026. Then what became of the crime, was it stamped out?—There was no crime in our country of any account.

92,027. We will see. Do you live in the town of Sligo?—I do.

92,028. Does your evidence extend only to the town, or to the town and the country?—As being a merchant in Sligo, and I happen to be a holder of land, both as tenant and in fee simple, I have a great knowledge of a large portion of the county.

92,029. I have it from you that the crime was stamped out. Looking at the returns we have here, I see Sligo in 1877, had only five agrarian crimes. You were a very peaceful county?—Very peaceful. I admit that that is by reason of the teaching of the League—the diminution.

92,030. I quite see your reasoning. That was in 1877, two years before the League existed?—1887, I thought you said.

92,031. I said 1877. Subject to your approval, I corrected myself. In 1877 you see it was a very peaceful county, with five agrarian crimes. Then in 1878 you got up to 15, of which nine were threatening letters and notices. There were only six apart from them. Then the Land League came into existence, did it not, at the end of 1879?—Yes, the Land League.

92,032. Then you spring to 53; in 1880, to 71; in 1881, to 100?—What portion of the county did these come from?

92,033. The whole county?—Well, the county of Sligo is a large county.

92,034. It has been so large you had only five agrarian crimes in the year 1877?—Yes.

92,035. Then you see they had sprung up to 100 in 1881, and in 1882 to 137. Is it your view, in the face of those figures, that the Land League had stamped out crime?—Yes, it is, and it is my solemn conviction that it has, and its teaching has.

92,036. You have never been on the committee of the Land League?—Never, but I have been at their meetings often.



10 July 1889.]

JOHN CONNOLLY.

[Continued.]

92,037. And lived in Sligo?—And lived in Sligo all my lifetime. I never was a member of any illegal society in my life.

92,038. Except this Land League?—That is not illegal.

92,039. I thought you said any legal society?—No, any illegal society.

92,040. You are a member of the National League now?—Yes.

Re-examined by Mr. LOCKWOOD.

92,041. In your district (you can tell me, I daresay) there was very acute distress, I believe, in 1879?—Very.

92,042. Did that extend into 1880?—I think so, and in 1885.

92,043. Did evictions follow, do you remember?—Well, I do not think the county of Sligo had so much to complain of in the matter of evictions, perhaps, as some other counties, especially my portion of it.

92,044. Is it your experience that after famine, and in times of distress, crime does exist?—By all means. Poverty will bring on crime. That is my notion of it.

PATRICK MEAHAN sworn; examined by Mr. LOCKWOOD.

92,045. Are you a merchant?—Yes.

92,046. Where do you live?—In Maryborough in the Queen's County.

92,047. Are you now the chairman of the Maryborough Town Commissioners?—Yes.

92,048. Did you join the Land League?—I did.

92,049. When?—On its foundation on the 28th of May in the year 1880.

92,050. I believe you became the honorary secretary of the branch which was established where you lived?—Yes.

92,051. And did you also join afterwards the National League?—Yes.

92,052. Generally, in 1879, was there prevailing distress in the district in which you lived?—Very great distress.

92,053. And I believe a great meeting was held in October of that year by the people in your district?—One of the largest meetings I suppose that was ever held in Ireland.

92,054. Was that a spontaneous meeting, so far as the people were concerned?—Spontaneous from the people, without any interference or inspiration from any political association.

92,055. Where was that meeting held?—It was held in Maryborough.

92,056. On the 5th of October 1879?—Yes.

92,057. Were you present at it?—I was.

92,058. Did you take any active part in the meeting?—I was the secretary of the meeting.

92,059. At this time of which I am speaking, the time of this meeting, of course the Land League had no existence?—It had not.

92,060. Had there been any suggestion made with regard to it that you remember at that time?—I do not believe so. Well, yes; I believe the League had been started before that by Mr. Davitt down in Mayo. But the reason of the meeting in 1879 was entirely in consequence of the failure of the crops and the distress which existed in the district.

(Mr. Lockwood.) The resolutions are not very long, my Lord; I should like to read the resolutions which were passed at that meeting. I have it here. "Resolutions to be proposed at the Queen's County Monster Meeting for the reduction of rents, at Maryborough on Sunday, October 5th, 1879."

92,061. Were those resolutions in fact passed?—They were passed by the meeting.

92,062. Were they passed in the form which, I suppose, you have supplied to Mr. Dillon?—Yes, I supplied the original copies.

(Mr. Lockwood.) Then, although I have them in my brief as resolutions to be proposed, I suppose they are the resolutions which were passed?

(Sir Henry James.) Just ask the witness whether they were.



10 July 1889.]

PATRICK MEAHAN.

[Continued.]

92,063. (*Mr. Lockwood.*)

“ RESOLUTIONS to be proposed at the QUEEN’S COUNTY MONSTER MEETING for the  
 “ REDUCTION of RENTS, at MARYBOROUGH, on SUNDAY, October 5, 1879.

“ 1. That the rental of Ireland is now, and always has been, far in excess of  
 “ of the real value of the land, so much so that the tenant farmers of Ireland are  
 “ now, and always have been, the worst fed, the worst clothed, and the worst  
 “ housed of any people in Europe. That there has been a great falling off in  
 “ farm produce of every sort during the last few seasons; and in the present  
 “ season the failure is nearly complete, and prices as low as the produce is bad.  
 “ Under these circumstances we most respectfully call on the landlords of the  
 “ Queen’s County not to ruin their tenants by forcing them to pay rent in the  
 “ present season, and thus save both themselves and their tenants from misery  
 “ and destruction in the future.”

That is the first resolution?—Yes.

92,064.

“ 2. That, without any wish to cast odium on the landlords of Ireland, we feel  
 “ bound to declare that the present land system of this country is bad, and one of  
 “ the greatest obstacles to the peace and prosperity of the people; that it is a  
 “ direct hindrance to the improvement of the soil on the part of the tenants, and  
 “ a temptation to cruelty and injustice on the part of the landlords. We are,  
 “ therefore, resolved never to cease agitating this question until the tenant farmers  
 “ of Ireland are settled on the land for ever, either as peasant proprietors or  
 “ tenants at fair rents, and the right of sale should they so desire.”

“ 3. That having carefully observed the public career of our two present  
 “ county members, Mr. Kenelm Digby and Mr. Dease, their studious inactivity  
 “ in Parliament, and their general want of earnestness in the cause of Irish  
 “ political liberty, we hereby declare that we will support no candidate for our  
 “ county at the next general election who will not pledge himself in future to  
 “ co-operate with Mr. Parnell and the active section of the Home Rule members  
 “ in Parliament.

“ 4. That we tender to Mr. Parnell our gratitude for his devotion and service  
 “ to the cause of Ireland, while we regard him as *the true leader* of the Irish  
 “ people; and that we approve of his active Parliamentary hostility to every  
 “ Ministry that will not give full justice to our country as the only constitutional  
 “ means by which we may ever hope to regain our national rights.

“ 5. That while we are compelled by force to obey laws made by strangers,  
 “ we will never cease to deny the right, and protest against the injustice, of any  
 “ assembly of men, save an Irish Parliament, having the power to make laws to  
 “ bind the Irish people.”

Now, that took place in October 1879, and I believe the Land League branch, as you have told us, was established on the 28th May 1880?—Yes.

92,065. Was this Land League branch joined by men of all classes and all denominations in your district?—Men of all classes and all religions joined the Land League on its establishment in that year.

92,066. Did it spread rapidly through this county?—It did. In a short time there were branches of the League in every part of the county, amounting to 28 altogether in the whole county. I may mention that one of the largest millers in Ireland, a Protestant gentleman, Mr. Odling, became president of the League. All the priests were members of it. All the merchants in the town were members of it, and all the farmers; and Protestant farmers from different parts of the county came and joined the Maryborough branch of the League before there were branches established in their own localities.

92,067. Then the election came about this time in 1880, and I believe you did return two supporters of Mr. Parnell?—We did.

92,068. That was before the franchise was extended?—Yes; the only county in Ireland that did return two Parnellites at that election.



10 July 1889.]

PATRICK MEAHAN.

[Continued.]

92,069. At this time and before the establishment of the League, do you know whether secret societies had existed in this part of the country? Had you heard of them?—Well, I cannot give evidence of my own knowledge.

92,070. (*Mr. Lockwood.*) I think in this direction some latitude has been allowed, my Lord. I propose to ask him as to whether it was a matter of common notoriety that secret societies existed?—Oh, I know of my own knowledge that the young men of the country, or any man that had the interest of his country at heart, would join secret societies and were members of secret societies.

92,071. Do you believe that the League coming into existence affected the existence of these secret societies?—Most unquestionably.

92,072. What was the effect?—Well, I am aware, of my own knowledge, that many young men in our county were members of the Fenian organisation, and I know when the Land League was started that the Fenian organisation completely ceased in our county—when the people had an opportunity of serving their country in another and, I believe, a not less honourable way.

92,073. So far as you know, and you appear to have been intimately connected with the Land League and the National League, did either of these Leagues encourage the commission of crime or of outrage?—Oh, never.

92,074. On the contrary?—On the contrary, I believe it prevented crime. No doubt some crime was committed, but nothing at all in comparison to what would have been committed if there was no political organisation amongst the people.

92,075. Were resolutions passed denouncing the crime?—Well, there was hardly a meeting of our own committee but advice was always given to the members to shun anything like crime or outrage; because we knew by sad experience that those things were the most serious injury that could happen to our country.

92,076. And then the National League in Queen's County, I believe, was founded about May 1884?—It was. Perhaps I should mention in connexion with the prevention of crime one instance that occurred to my own knowledge. In the eastern part of the county in 1880 there were some evictions going on, or threatened evictions, and there was a combination there amongst the tenants, and those men were determined to resent eviction, even to the extent of taking life if necessary. We went over to that district, we held a meeting there, organised a branch of the Land League with the result that all the people of the district joined it. An arrangement was come to with the landlord, and the people's houses were left undisturbed. And another instance. There was serious trouble on an estate near Maryborough. The landlord there had been persecuting his tenants for a long time. One of them in particular (and I know this young man), driven to desperation by continued harshness, had resolved to shoot his landlord, and I know that the officers of the League went and promoted a settlement that prevented anything like this crime being committed.

92,077. Do you know of any special resolutions that were passed in condemnation of crime, or do you speak generally of the resolutions passed?—Well, generally.

(*Sir H. James.*) He said opinions expressed, not resolutions at the meetings.

92,078. (*Mr. Lockwood.*) How were these crimes and outrages dealt with at your public meetings? Were they dealt with at all, I should ask you first?—They were generally condemned. Anything in the nature of crime or outrage was always condemned at the meetings of the committee. I cannot speak exactly now, but as far as my recollection goes, I think at nearly all our public meetings crime and outrage were denounced, and the people advised to shun them.

Cross-examined by Sir H. JAMES.

92,079. I understood you to say that the year 1879 was a year of great distress?—It was.

92,080. Throughout the year, did that distress exist, or only at the latter portion?—I think it was throughout the whole year.

92,081. Is it your experience that crime follows in the footsteps of such distress?—Well, I think so. Misery begets crime.

92,082. In the year 1879, in the whole of the Queen's County, with the exception of four threatening letters, there was only one agrarian crime committed, firing into a dwelling-house. That is in 1879, this year of great distress throughout the whole of



10 July 1889.]

PATRICK MEAHAN.

[Continued.]

a year, with crime following distress. Your county must be a very peaceful county?—So it is.

92,083. That was the result of the distress of 1879. Now when was your Land League formed? I think the 28th May 1880?—The 28th May 1880.

92,084. And it existed until October 1881?—It did.

92,085. Now, taking the year 1881, you have 93 agrarian crimes in the whole. From that has to be deducted in one sense 59. That will leave 34 agrarian crimes other than threatening notices. So the increase is between 1879 and 1881 from 1 to 34. I am going to ask a question upon that. Have you any suggestion to make why in 1879 in this year of great distress with only one agrarian crime, after the Land League has been in existence a year and a half, you come to 34 agrarian crimes?—Well, from my recollection I do not believe the distress was so acute in 1879 as it was in the year 1880 and 1881; but even granted that there was an increase in agrarian crime, I believe and know that but for the Land League being established in the county the crime would be three times what it was.

92,086. I am giving way to your view that the Land League was suppressing crime; but, while it was suppressing it, it increased from one to 34. Given your year of great distress, why should it increase to three times 34? That would be 102?—The Land League is not responsible for the increase.

92,087. I am asking you to tell me?—I cannot give you any reasons, save that the landlords refused to listen to reason and make any abatements to the tenants or meet them in any fair spirit; and I suppose driven to desperation, they thought to return evil for evil.

92,088. They naturally thought to return evil for evil?—When every other door was closed against them.

92,089. There had been no abatements made in 1879 you said?—Oh, I did not say that. I think there were some abatements, but very small.

92,090. And I suppose about the same rate of abatements in 1881 as there was in 1879?—I do not believe it. I cannot say that for a fact.

92,091. Can you say it one way or the other?—I know, speaking generally, the landlords in those years refused to meet their tenants in anything like a just or fair spirit.

92,092. It is a matter of comparison. Do you represent that the landlords acted differently in 1881 from what they did in 1879, or that they acted throughout in the same way?—I think they acted about the same through both years.

92,093. That is my whole point; I have that from you. Now a word or two please about secret societies. You have spoken of one which you call, I presume, a secret society, the Fenian society?—Yes.

92,094. Have you the name of any other society to give me?—Well, there was no society in Queen's County in recent years. There were several secret societies in Queen's County. There were the Blackfeet and Whitefeet and a branch of the Ribbon society.

92,095. The Blackfeet and Whitefeet are historical?—Yes.

92,096. Have the Blackfeet and Whitefeet existed lately?—Oh no, not in recent years.

92,097. I think my question was up to the period we are speaking of. Have you any society to name which existed in 1879 except the Fenian Society?—I am not aware of any other.

92,098. Then what I understand you to say is, that after the Land League, some young men who had been or would have been members of the Fenian society became Land Leaguers?—Certainly.

92,099. Had you any moonlighting in your district?—No.

92,100. None?—Not that I heard of. Not that I recollect. I do not believe there was a case of moonlighting in Queen's County.

92,101. Very well, I will take it from you, that there was no moonlighting as far as you know?—As far as I know.

92,102. And if the crimes in your county were committed, according to your knowledge, would they be committed by individuals or by gangs of men?—I think speaking generally they were committed by individuals, but those returns that have been



10 July 1889.]

PATRICK MEAHAN.

[Continued.]

furnished, I presume, to counsel are no true guide at all as to the crimes which were committed, because it is a fact well known to everyone in the Queen's County, that those crimes have been manufactured.

92,103. My question was directed to you. Whatever number of crimes were committed, by whom? I am not speaking now of the nature of the crime; I am asking you whether the crimes (whether few or many) were committed by individual men or organised gangs?—I think they were committed by individuals.

92,104. What is that you are looking at?—At a private memorandum. You can have it if you wish.

92,105. It does not tempt me, but are those notes you made of your evidence?—They are.

(*Sir H. James.*) My Lord, I have no curiosity.

92,106. Then your view is you had no moonlighters?—No.

92,107. They were private individuals?—I think so. There was one outrage I just recollect.

92,108. Will you please give me an answer to my question. If it refers to the question of gangs or individuals you may explain. Is it with reference to my question you are going to explain?—Well, it is not a case of moonlighting.

92,109. I asked you whether throughout your county there were moonlighters engaged or whether the crimes were committed by individuals?—The crimes were committed by individuals as far as I know, and there was no moonlighting.

92,110. Can you tell me by what class of individual the crimes were committed?—I daresay they were the agricultural classes principally. The agricultural classes in some cases, but, of course, the generality of the crimes were committed by the ordinary class of men who generally commit those crimes.

92,111. Agrarian crimes. We are on agrarian crimes. Who are the ordinary class of men who commit those crimes—agrarian crimes. Who are they?—They are generally men who have an interest in the land. They are generally small farmers or farmers' sons.

92,112. And throughout this county you had very few Land Leaguers, had you not?—All the whole county were Land Leaguers.

92,113. Farmers and farmers' sons?—Yes.

92,114. Those were the men who committed the crimes?—No, I do not believe any member of the Land League committed a crime at all.

92,115. I am only putting your answers together. Just as you like. I suppose you do not mean to say that every farmer and all farmers' sons were Land Leaguers?—No, not every one.

92,116. It was from that class you think that persons came who committed the crimes?—I cannot speak with certainty, but such is my opinion. I think it was.

92,117. One instance you gave in some part of the county. The evictions in 1880 were threatened, and then you established the Land League?—Yes.

92,118. Then you made arrangements with the landlord?—Well, we did not make arrangements. Arrangements were made.

92,119. By whom?—By some people of the district.

92,120. Not the Land League?—Oh, yes.

92,121. But you said "we" did not?—When the Land League branch was established there, the officers and committee got some parties in the neighbourhood to treat with the landlord, and through the influence of those men an arrangement was made which saved those people from eviction.

92,122. Were the parties who treated with the landlords Land Leaguers or not?—They were members of the League.

92,123. Then the landlord and tenants came to terms and the evictions ceased?—Yes.

92,124. In your Land League or National League, do you have resolutions passed?—Oh, yes, certainly.

92,125. Resolutions affecting boycotting?—Well, I do not think there was ever any resolution passed about boycotting or directly boycotting any person except once.

92,126. Have you any record of your resolutions?—We have.

92,127. Where. At Maryborough?—Yes.

92,128. I am rather afraid to ask you, but do you mean to say the record of those resolutions only contains one resolution affecting boycotting?—Well, that is my



10 July 1889.]

PATRICK MEAHAN.

[Continued.]

recollection now. There may be others. There may be one or two others. But I know our branch and myself personally are in favour of boycotting.

92,129. To what extent?—But only in the rarest cases, and when all other means are fruitless to effect the good we desire.

92,130. First let me ask you what are the other means?—Well, advice and persuasion and pointing out the justice of the case to the individual.

92,131. Then he retained his own opinion? Assume that the advice and persuasion all failed, and the person retains his opinion, then you get into the boycotting stage?—We get into the boycotting. I would approve of boycotting when a man commits a great social crime against the community and refuses to make any reparation for it, I certainly say he should be boycotted, and I would boycott him.

92,132. That is a great social crime in the opinion of the Land League?—No.

92,133. What? It must be?—Well, it would be in the Land League, and in the opinion of all honest and reasonable men.

92,134. The opinion of all persons who are honest in the opinion of the Land League? Now that being so, the person is boycotted. To what extent would the boycotting go with you?—Well, if we want to boycott at all I should like to have it done as effectually as possible.

92,135. Quite so, thoroughly?—Thoroughly, but of course you will understand me, I say that it would be the very last resource.

92,136. Yes, I understand; persuasion has failed and the man is obstinate. Then you boycott him thoroughly?—Exactly.

92,137. I do not know whether your notes will assist you or not, but will you shortly give me a definition of thorough boycotting?—I will.

92,138. I said “shortly,” you know?—There is one definition I can give you and which every man like me and the general Catholic community in the Queen’s County can give. It is the system of boycotting that has always been carried out against us. Every avenue of preferment and every situation in the county is closed against the Catholic majority, though we are 70,000 out of 79,000.

92,139. Is that your definition?—No, it is one definition.

92,140. Will you give me the exhaustive definition of thorough boycotting?—The landlord class have reduced boycotting to a perfect art against their tenants and against the Catholic population of the country.

92,141. I asked you for a definition?—And it is only in self-defence if we boycott. We are only taking a leaf out of their book.

92,142. Now give us a definition of thorough boycotting?—My definition is that the man should not be recognised by his neighbours, or spoken to, or any business done with him.

92,143. Do you accept the definition that, short of actual violence or outrage, you would make it as effective as possible?—I would.

92,144. Including refusal to supply necessities of life?—Certainly.

92,145. That is thorough boycotting?—That is thorough boycotting.

92,146. That must exclude the necessities of life. Would you let his children go to a school?—And many a poor tenant is deprived of the necessities of life.

92,147. Would you let his children go to a school?—I would not. I would take my children out of the school if they went there.

92,148. Or would you attend the same place of worship?—Well, I do not know that I would carry that into the House of God.

92,149. You would stop there?—I think I would.

92,150. That is thorough boycotting; but apart from those two things, absolute outrage and refusing to be under the same roof and in the place of worship, you would carry it to the fullest extent?—I would.

92,151. And as far as you know did you have any cases of thorough boycotting in your county?—We had not indeed.

92,152. None?—Well, I am not speaking for the county. I can only answer that question for my own district or neighbourhood. There was, I think, one case of boycotting, but it was only partial boycotting.

92,153. Not thorough?—Not thorough.

92,154. We will drop that then. As far as you know, were your opinions shared by the members of your Land League?—Entirely, at least as far as I know.



10 July 1889.]

PATRICK MEAHAN.

[Continued.]

92,155. And acted upon as far as you know?—Yes.

92,156. You assume, I suppose, that this carrying out of this thorough boycotting is affording those who differ from you absolute freedom of opinion?—Oh, most decidedly. They can have their opinion, of course.

92,157. But then they do not get the necessities of life at the same time?—If these people in carrying out what their opinion is do commit a great social crime and a wrong against their neighbours, I consider their neighbours should mark their sense of indignation against them.

92,158. One question more about this boycotting. Suppose you did order that a person should be boycotted, and resolved that he should be boycotted, that is, that tradesmen should not deal with him, and that tradesmen did deal with him, what became of the tradesmen. Were they boycotted?—Well, I cannot speak from experience.

92,159. I mean when we are dealing with a case of thorough boycotting?—I suppose, on the grounds that the receiver is as bad as the thief, the man who would work for the person boycotted would be as guilty as himself, because he would be sharing the wrong.

92,160. I am speaking of a tradesman, we will call him A.B. He is boycotted to the extent you said just now, thoroughly. Then a tradesman sells him some loaves of bread; what would become of that tradesman?—Well, I hardly think I should be asked to answer a question in perspective according to that.

92,161. Would that come within your definition of thorough boycotting: that the person who did supply necessities of life to a person boycotted would in turn be boycotted for so supplying the necessities of life?—I think I have answered the question. I say on the grounds that the receiver is as bad as the thief, the man who assists a person who has committed a great social crime, and thereby condones the wrong, is just as guilty as the man who commits it.

92,162. I do not quite accept your figure that a man who supplies bread is the receiver; but if a tradesman did supply bread to a boycotted person, he in turn would be boycotted?—Well, such a thing never occurred. I do not know what would be done in case it did occur.

92,163. May I take it then the tradesmen always did obey the views of the Land League, and a boycotted person was boycotted thoroughly. Was that the result?—We never had a case of thorough boycotting; therefore, I cannot give you any answer.

92,164. In that memorandum book have you any resolution taken out of your resolutions at the Land League or minute-book in cases of boycotting?—I think we had only one case of boycotting, and that was partial boycotting. It was simply the branch of the League passed a resolution condemning a case of land-grabbing that occurred in the district; but we never persisted in the boycotting at all. We left the man perfectly free to deal and to be dealt with by the neighbours; and in fact the man never suffered any inconvenience. Plenty of people in the town supplied him and we never asked them to interfere.

92,165. Did you make your views public as to a person who offended, that he would be subject to boycotting? Is that well-known in the district?—Of course it is. It is just as well known in general terms as that if a man commits a great social crime, he deserves punishment for it.

92,166. Yes, to be tried by his peers?—Perhaps his Lordship will give me permission to mention that there was one resolution passed at our League condemning an attempted boycotting of a family in our parish.

(*Sir H. James.*) I should like to see these resolutions if they are in existence.

(*Mr. Lockwood.*) I will endeavour to find them.

(*Sir H. James.*) I understand from my friend, Mr. Lockwood, that the witness Meahan has a resolution book with him.

(*The President.*) I understood not.

(*Mr. Lockwood.*) I did not know he had any book, but I understand from Mr. Dillon, the solicitor who is instructing us in connexion with this evidence, that he has some book, and has gone to get it.



10 July 1889.]

WILLIAM ADAMS.

WILLIAM ADAMS sworn ; examined by Mr. T. HARRINGTON.

92,167. You reside at Tullamore, I think ?—Yes.

92,168. That is in King's county ?—Yes.

92,169. Do you occupy any official position there ?—Yes, I am Chairman of the Town Commissioners, and a member of the Committee of the National League and an assistant treasurer.

92,170. I believe you were Chairman of the Board of Guardians ?—For years ; till I resigned last year through pressure of business.

92,171. Your family has not resided long in Tullamore ?—A great number of years I have resided there.

92,172. Your father came from England ?—Yes, my father was an Englishman.

92,173. Are you also a farmer ?—Yes, a large farmer.

92,174. Under what landlord do you hold property ?—Largely under Lord Digby, and under Lady Charleville.

92,175. You were vice-president of the National League ?—The Land League—from its commencement till it was suppressed.

92,176. You have brought here the books, I believe, that belonged to the branch of the Land League ?—Yes, both (*producing same*). I might mention that it was by mere chance I got them, because our secretary was put in gaol, and it was only after great and careful search we got them.

92,177. I believe a secretary being put into gaol is not an unusual thing ?—No.

92,178. Now during the existence of the Land League were there any outrages in your district ?—None on my memory at present, except I was reminded of them. I know of no outrages.

92,179. I believe Tullamore is an assize town ?—Yes.

92,180. You have never known the assize to occupy any very long time ?—For the last 8 or 10 years they have come in the morning and gone away in the evening. We should hardly know of them at all, except through the presence of the police.

92,181. The judge gets through his duties in one day ?—Yes.

92,182. The property on which you hold a farm is, I believe, known as the Geashill property ?—Yes.

92,183. That is the property of Mr. Digby ?—Yes.

(Mr. T. Harrington.) I refer your Lordship to page 1906. The agent of that property was examined. There were some letters handed in in the evidence of Mr. Reginald Digby, which I wish to ask a few questions about.

92,184. Do you know a lady on that property named Ann Sadleir ?—I did know her.

92,185. Is she living at present ?—No, she has been dead for some years.

92,186. Was she dead before the letter was handed in here in evidence ?—Yes, many years.

92,187. Before this Commission commenced. Did you know a tenant on that property named George Coltan ?—Yes, I knew him too. It is very unlikely he would write that letter.

92,188. Is he a tenant on the property at present ?—No, he is dead.

92,189. Do you know whether before Mr. Digby gave evidence here he was dead ?—Oh, he was dead long before that ; in fact, they were all dead that he mentioned, save two.

92,190. Will you tell me who the two are ?—One was a gentleman of the name of Benjamin Odlum. He was a conservative gentleman, and has failed in farming operations since, and was evicted.

92,191. That was the gentleman who said he would pay his rent, only he was afraid of the Land League ?—Yes, I think so. I think that evidence was put in, or something to that effect.

92,192. I believe he has not paid the rent ?—So much so that he has been evicted. The man is in a very poor state. The other one is Mr. Davis, a Protestant gentleman. He has had to give up his farm. He was not able to pay.

92,193. He surrendered the farm himself ?—Yes.

92,194. You read the evidence of Mr. Digby. With the exception of those two persons are the others, mentioned in his evidence as having sent in letters of that character, all dead ?—Yes, they are all dead.



10 July 1889.]

WILLIAM ADAMS.

[Continued.]

92,195. And were dead at the time the letters were put in?—Yes.

92,196. Previous to the establishment of the Land League in the district, did you know of the occurrence of any grave crime or outrage in that part of the county?—Yes. Of course it is quite usual; where there are unjust evictions or landgrabbing there is always crime; it follows either.

92,197. Did you know of any persons having been shot, presumably for taking evicted farms?—Yes, some miles from the town I live in I know a farm, at present unoccupied, and two persons, one after the other, were shot for taking it.

92,198. At what period?—15 or 16 years ago.

92,199. That would be five or six years before the establishment of the Land League?—Yes. I will not be accurate about the time, but something about that time. I know of another instance where other parties took a farm, in another direction, and they were shot too. They were shot dead.

92,200. Is that in another portion of King's County?—Yes.

92,201. That was also before the establishment of the Land League?—Yes.

92,202. In your recollection since the Land League was established, have you known of any grave outrage or the shooting of any person taking place in the district?—Not one during the Land League time—at least except I am reminded of it. At present, I assure you, I know of none.

92,203. Now you know something of the Digby property. Are you aware that on that property leases were forced upon the tenants after the Land Act of 1870?—Quite certain of it.

92,204. Were those leases for the purpose of defeating or depriving the tenants of the benefit of the Act of 1870?—They were similar to the Leinster lease which is so very well known in Ireland for the object of depriving them of any benefit under the Land Act of 1870.

92,205. And you are aware, I suppose, that the tenants had to accept these leases?—They had either to accept them or go to some other place. I attended several meetings to protest against it, but it had no effect.

92,206. You took a pretty prominent part in the business of the Land League, I believe?—Yes.

92,207. Did you know an organizer of the Land League visiting your district named McCloskey?—Yes.

(*Mr. Timothy Harrington.*) I refer your Lordships to page 2788, the evidence of Head Constable Rodan.

92,208. Do you recollect the visit of Mr. Matt Harris after he was released in 1882 to your district?—About that time he paid a visit to Tullamore. He paid me the compliment of paying me a personal visit; at least, I met him.

92,209. Did you see him in company with Mr. McCloskey?—I am not quite sure whether I can swear that I saw him in company with him or not, but they were there about the same time. I know Mr. McCloskey was along with Miss Reynolds, who came there after the suppression of the Land League for the purpose of looking after the families of labourers who were evicted along with some of the farmers.

92,210. Do you know that Mr. McCloskey went by the name of Thompson during the time he was there?—I heard so.

92,211. (*Mr. T. Harrington.*) I cannot refer your Lordship to the page, but there is a letter in, in which there is a suggestion made about this man McCloskey being appointed an organizer, but not in his own district, where he was known and might be arrested?—Yes, I think he told me there was a warrant out for his arrest at the time.

(*Mr. T. Harrington.*) I cannot tell your Lordship the page exactly, but perhaps it is in your Lordship's recollection.

(*Mr. Justice A. L. Smith.*) I do not happen to remember the letter. I daresay it is in, but I do not remember it.

(*Mr. T. Harrington.*) It is a letter which was handed in where a man named McCloskey is mentioned as a suitable person to be appointed as an organiser, but a recommendation that he should not be appointed in the north of Ireland where he was known, and where he would be arrested. Your Lordship has such an accurate memory of the case, you probably recall it.

(*Mr. Justice A. L. Smith.*) No, I do not remember that. I daresay it is in.

(*Mr. T. Harrington.*) It was a letter addressed to Mr. Arthur O'Connor, I think, and was either among the Phillips' letters handed in or among the letters of Mr. O'Connor.



10 July 1889.]

WILLIAM ADAMS.

[Continued.]

(The President.) What is your object. What do you found upon it?

(Mr. T. Harrington.) Your Lordship will remember the evidence of Head-Constable Roden, where he identified the photograph of Tynan as being like the man who went to that district under the name of Thompson. I want to show your Lordship that this man Thompson was M'Closkey, an organizer who was travelling at that time, in danger of arrest, and assumed the name of Thompson.

(The President.) What does this witness say about it?

(Mr. T. Harrington.) I think your Lordship will see the witness, perhaps, was not altogether wrong. He was not certain that was the man, but thought it was. Your Lordship will see the general resemblance on comparing the photographs.

[A photograph was handed to the witness.]

92,212. Could you identify that? — Well, really, I am a very poor hand at recognising photographs, and there is such a change in the circumstances in which I saw him that I could not recognise him at all. He is in the position of nursing there—sitting by the side of his wife and family; and when I saw him he was a politician. Besides, this is a very bad light. If it was a large one, and he was by himself and standing up, I should know.

[The photograph was handed to their Lordships for comparison with the photograph of Tynan.]

(The President.) A general resemblance to whom, do you suggest?

(Mr. T. Harrington.) A general resemblance to the man the police identified.

(The President.) If you compare them there is not any resemblance whatever. The only resemblance is that they have both of them got beards.

(Mr. T. Harrington.) The same kind of beard?

92,213. During the time that this man M'Closkey was in the district were you aware that he assisted evicted tenants and took part in doing the work of the League?—I believe that was his mission there.

92,214. Was he known to you as an organizer?—Yes, I am quite positive on that point.

#### Cross-examined by Sir H. JAMES.

92,215. There is one serious matter which fell from you. You stated that some of the writers of the letters Mr. Reginald Digby produced were dead. Those persons are George Colton, Annie Sadleir?—Yes.

92,216. And who else?—Michael Conroy, and I think there is one more.

92,217. Then Odum and Davis are both alive?—They are both alive.

92,218. There are three letters produced of persons you say are dead. Speaking of Mrs. Sadleir you said she was not likely to have written that letter?—I beg your pardon, I did not; I said it was a very improbable letter to come from Colton.

92,219. I do not agree?—Very likely she would do so because she had ability to do so, and she was the wife of a respected Protestant clergyman.

92,220. Now, Colton?—Colton is a stupid, old, silly man, with a small farm, very unlikely to write that letter. The composition is not likely to be his.

92,221. Have you seen that letter?—In the public print.

92,222. But you have not seen the original?—No.

92,223. What do you suggest? You say he was not likely to have written it. What do you say about it?—May I express my own mind on the matter—simply that the letter may have been written in the office, and he got to sign it previously during the time of the Land League times.

92,224. Written by whom do you suggest?—I would not be surprised if it was the production of the office.

92,225. Mr. Digby's office?—Yes.

92,226. Known to Mr. Digby at the time he gave his evidence?—Well, I do not know. They go great lengths to try to prove the Land League intimidated.

92,227. You have come up to give your evidence and you have used this phrase: "It is very unlikely that Mr. George Coltan would write that letter.

(Mr. T. Harrington.) He said very unlikely he should.

(Sir H. James.) Yes.



10 July 1889.]

WILLIAM ADAMS.

[Continued.]

92,228. What do you suggest by that. First do you suggest it is a forgery?—What I suggest principally by it is, that the man was not sufficiently educated to write such a letter. He would not use such phraseology in the body of the letter.

92,229. Then do you suggest that that has been signed by him with a knowledge of its contents or not?—Well, really I could not say. It looks such a strange production coming from a man I knew so well, being quite unlikely to leave such a production after him.

92,230. Do you know anything about the matter?—Not a half-penny on earth—only just forming an opinion.

92,231. You did not hear my question, but do you know anything whatever about this matter except you think the man's education would not have fitted him to write that letter?—That is all.

92,232. And you know nothing about the circumstances?—A great many were surprised as well as myself when they saw the letter published in the press.

92,233. I do not care about the surprise of the other people. Have you looked at the writing?—No, I have never seen it.

92,234. (*Sir H. James.*) Mr. Cunynghame, could this letter be obtained without difficulty?—But I do not know the man's handwriting.

92,235. (*Sir H. James.*) It is put in in the evidence of Reginald Digby at page 1928.

[*The letter was produced and handed to the witness.*]

I have never seen the man write. I would not think even that he could write.

92,236. Does the body of that letter appear to you to be the same handwriting as the signature?—I believe it is the production all of one man. It is not very likely to be the outcome of a very old or feeble man. This is apparently written by a school boy, or some skilled hand; the man I allude to, George Coulton, is a very old man.

92,237. You never saw him write?—No; but I think anyone in the Court would come to the conclusion that an old man never wrote that.

(*The President.*) You must not assume that we can tell a man's age by his handwriting.

(*Sir H. James.*) If there is any doubt about this we will prove his handwriting.

92,238. Did Coulton go into the Court to get his rent fixed?—I do not know a single thing about his circumstances.

92,239. You know nothing about it?—No. I know those who went into the Land Courts as constituted at first, that they got such miserable reductions that they lost all confidence in the competency of the Land Courts.

92,240. You produced some books of your Land League. I see, with the exception of the names of the members, there is no entry whatever prior to the 19th of August 1881. Your Land League was formed on the 15th of June 1880, and until Friday, the 19th of August 1881 this is a blank?—I think there will be a mistake there. Let me see, please [*the book was handed to the witness*]. This is the only book that ever we had, the 15th of June 1880.

92,241. I say so. That shows when it was formed?—Yes.

92,242. Then you have a list of names, and nothing until you come to the 19th of August 1881?—What we did in the commencement was to get a lot of subscribers, and when we had a sufficient number of subscribers to have a strong committee, then we called an election committee; then when we got that committee and the officers were appointed we entered our proceedings.

92,243. The fact is, that your League was formed on the 15th of June?—So it states there.

92,244. That is the first entry?—Yes.

92,245. You go on making entries as to members so that by the end of the year 1880 you had 205 members?—Yes.

92,246. That was a strong enough branch of the League, you know, to pass resolutions?—Yes, or to elect a committee; quite strong, I think.



10 July 1889.]

WILLIAM ADAMS.

[Continued.]

92,247. During the year 1880 did you pass any resolutions?—Really I cannot tell you; anything and everything that was done is there; anything and everything that was done was done aboveboard.

92,248. I point out to you that all that is above-board so far as this book goes, is found commencing on the 19th of August 1881?—I have explained the reason why that occurred. When we commenced we had to get material to work upon, and the material we wanted was the men who believed in our principles for the regeneration of the country.

92,249. But you had got 205 members in December 1880, and this was on the 19th of August 1881?—Probably we did not call a meeting till later on, and we went on getting more members.

92,250. That is your explanation?—Yes.

92,251. So you went on getting more; then you did no work at all, although you had 205 members?—We thought we were doing good work by getting members.

92,252. You did nothing at all until the 19th of August, that you represent?—That is what I believe, if that is what the book represents.

92,253. I am upon this book. I want to know what you did?—It will bear inspection.

92,254. You did nothing else, but you were spending the money?—No, excuse me, we were not: we were collecting.

92,255. I cannot excuse you, because here you have a balance sheet, you know?—Yes, we could not spend it until the formation of the Committee.

92,256. You were receiving subscriptions; there are the amounts of payments just opposite their names, 2s. 6d., 5s.?—Yes.

92,257. That was during 1880?—Yes.

92,258. And here are payments; you have a cash account?—Yes.

92,259. April 1881?—Yes, what month.

92,260. Well, April 1881 is the month of April, I suppose. I read you April 1881. Then we have May. There is no resolution passed until the 19th of August 1881; and the next is August 26th, 2nd of September, 9th of September, 16th of September, 23rd of September, and then, I think, it ceases; there is one on October 17th; had you no resolutions until the 19th of August?—Certainly not, or they would be entered there as recorded in the minutes of our proceedings. I suppose there was no necessity for it.

92,261. I have not had time to read these?—There are not many you will find, although I may state until Sunday evening when I found I was coming here, I never looked over it, and it was after a very great search it was got. It was five years out of existence, as far as any one knew.

92,262. The only one I find is the 9th of September. That was,—

“The following resolutions were passed unanimously. That the refusal of the respectable labourers of Tullamore to work for any person who would employ any of the few unprincipled interlopers who recently worked on a boycotted farm, is deserving of our highest approbation, and evinces a spirit which some of the farmers and traders of this locality would do well to imitate.”

Next,

“That we condemn in the strongest manner the conduct of Mr. Patrick Rowan in leading an emergency expedition to work on a boycotted farm, and we hereby call upon him for an explanation.”

May I take it that until August 1881, no such resolutions as those were passed?—Yes, sir.

92,263. Did you pass a resolution approving of the No-Rent Manifesto, or not?—Really I do not know.

92,264. I think it was carried that—

“A Government reporter be allowed in, and so Mr. Jeremiah Stringer appeared on the scene. Mr. Kerr’s resolution relative to paying no rent was, I might almost say, carried unanimously, so that the King’s County is now showing the way very pointedly and determinedly. J. S.”



10 July 1889.]

THOMAS ADAMS.

[Continued.]

Is that James Stirling?—Yes, he was acting, I think, on that day in consequence of the secretary, who was a large merchant and a brewer, being arrested under the régime of Mr. Forster, and that was the resolution, and a note was taken of that.

92,265. You spoke of a person being shot at who had taken an evicted farm?—Yes.

92,266. When was that?—I cannot be accurate to a year; it is a good many years ago.

92,267. About?—From the present time I suppose it must be 20 years—18 or 20 years.

92,268. Had the person who left that farm been evicted for non-payment of rent? So I heard; I do not say for non-payment, but unjustly evicted.

92,269. For what?—I suppose from inability to pay an excessive rent, or whether there were accumulations; really I could not tell you all the circumstances.

92,270. If this knowledge is of any value, what was this man evicted for?—I cannot tell you, only that there was a feeling that there was an injustice done to him, and to the tenantry, and that he was not properly evicted.

(*Mr. Lockwood.*) I have here Mr. Meehan's books.

(*Sir H. James.*) There is one resolution of another class in this book:—

“Mr. Adams in the Chair. Resolved—That this Committee is of opinion that  
“no Land Leaguer should employ any owner of a threshing machine who is not  
“a member of the Land League, and that no member should thresh the corn of a  
“non-Land Leaguer.”

I recollect the circumstance well. It was a Conservative gentleman, who was a Nationalist, and a very extreme one. We thought it was very unfair that the Nationalist farmers should support him when Catholic men who were not Nationalists, in the same business should be passing him by, and he asked us to pass that resolution so as to assist him in getting trade.

92,271. Do you see this—

“That no machine owner should thresh the corn of a non-Land Leaguer.”

So that if a man did not join the Land League how was he to get his corn threshed; supposing a man was not joining the Land League, how was that man to get his corn threshed?—Of course there were engine owners or machine owners who did never join, so they would thresh it.

92,272. That is the way you put it?—Yes.

Mr. THOMAS DELIHONT sworn; examined by Mr. ARTHUR RUSSELL.

92,273. Are you Chairman of the Town Commissioners at Wicklow?—I am.

92,274. How long have you been in business in Wicklow?—Going on for two years.

92,275. Are you well acquainted with the condition of the farmers round about Wicklow?—Pretty well, I am.

92,276. Were you a member of the Land League?—I was.

92,277. And of the National League?—Yes.

92,278. Did you hold any office in either?—Only as member; that is all the office I held.

92,279. Only a member?—Only a member.

92,280. What is your opinion as to the effect of the Land League upon crime, was it good or bad?—I believe it suppressed crime to a great extent, and all secret societies likewise.

92,281. You think they dropped—died out owing to the proceedings of the League?—They died a natural death, in my opinion.

Cross-examined by Mr. ATKINSON.

92,282. Do you live in the town of Wicklow?—I do.

92,283. There was no crime before the League in the county, I believe?—Very little.

92,284. And there has been none since?—Very little.



10 July 1889.]

THOMAS DELIHONT.

[Continued.]

92,285. What did the Land League stop if there was never any before?—There were secret societies.

92,286. What secret societies?—There was Fenianism.

92,287. How did the League stop Fenianism?—It died out, because they gave up Fenian work to open warfare, and left the secret societies.

92,288. And went over bodily to the League?—Heart and soul to the cause of the country.

Mr. MEEHAN recalled.

92,289. (*Mr. Lockwood.*) My Lords, I want to read some of these resolutions. I have three books here; I did not know Mr. Meehan had these books with him when he was in the box, but owing to some questions of my learned friend it transpired he had them. The first book seems to be a book which deals with subscriptions to the Maryborough Branch of the Irish National League. Then, my Lords, the next is a book which in the opening pages deals with payments apparently by the League, and then about half way through it commences to record resolutions, the first date being the 15th June, I suppose 1880. Then I want to call your Lordship's attention to one or two resolutions in the book. There is Sunday the 23rd January 1881.

"The usual weekly meeting was held this day, Mr. Redington in the chair, "other members present."

Then it gives the names of the other gentlemen present.

"The minutes of the last meeting were read. A letter was read from——"

Mr. Pigott, is it?—Mrs. Pigott.

92,290.—

"Luxlip saying that some person had asked Mrs. Pigott to join and subscribe "to the League." The secretary was directed to reply that the Committee knew "nothing of the matter, nor would they in any way countenance any person being "persuaded," I think it is, "to join the League"?"

—Any pressure being used, I think it is.

92,291. Well, that is what it means?—Yes.

92,292. "In any way countenance any person being pressed in any way to join the "League."

—Exactly. Perhaps your Lordships will give me permission to supplement that by a statement that in the succeeding February I had an interview with Mr. Davitt, in Dublin, in the League rooms, and he condemned the same thing in the very strongest terms, that no man should be pressed to join the League, but left free to join it if he chose, or not.

92,293. (*Mr. Lockwood.*) Then, my Lord, I come to the third book which this gentleman has produced, which appears to be a continuation of the book which I read just now. It relates to the National League. I want the 3rd May 1885?—That is this book, Sir (*referring to the other book*).

92,294. I understand that is a resolution with regard to fair rents. Would you take the book, please, and just point out to me which it is?—Perhaps I should explain, with reference to that, that there was a dispute with reference to rent between a small tenant and a landlord, and the tenant applied to the League Committee on the matter. The Committee considered the question, and the following is the note that was made:—

"The meeting consider the rent exceedingly reasonable, and refuse to take

"any action in the matter, stating that Tynan"—  
(that was the tenant)

"should not expect to occupy a house and garden without the payment of a fair

"rent."

92,295. Your explanation was quite necessary?—I should mention that the landlord in that case was perhaps the most consistent and the most steadfast enemy of the Land League in the Queen's County, but that did not affect the matter before the committee.

92,296. August 1885 I think an attempted boycotting was prevented?—Yes.

92,297. Is it in that book?—It is; I should explain in reference to that there was in Maryborough parish a farm vacant, and some people took the farm, and the people



10 July 1889.]

Mr. MEEHAN.

[Continued.]

in the neighbourhood thought they should not have done so, and they attempted to boycott the people. Our committee of the League immediately interfered in the matter and protected the people as far as we could and put a stop to the boycotting.

92,298. Will you read the note in the minute book. I can only help you as far as August 1885?—The resolution that was passed on that occasion was as follows:—

“ That this meeting is of opinion that the taking of this farm was not land-grabbing.”

(and then they go on)—

“ A suggestion was made that Dunn the tenant should pay the 25l.”

There was a sort of agreement between the parties previous to this that Dunn should pay the 25l. originally offered by him to Joseph Whelan.

92,299. I want you to give me the minutes of the 3rd October 1886.

(Mr. Murphy.) Have you finished all that about the 25l.?—I will read the whole of it.

“ That this meeting is of opinion that the taking of this farm was not land

grabbing. We suggest, however, that Thomas Dunn pay the 25l., the sum

originally offered by him to Joseph Whelan, said sum to be paid within three

months to our president, to be transmitted to Joseph Whelan.”

I should mention perhaps in reference to this, that Whelan was the original tenant, and he went away to America. Previously to his going, there was an arrangement between them that Dunn was to get the farm on the payment of 25l.; Whelan did not surrender the farm to Dunn, and Dunn thought he should not keep the agreement, but we considered that this was the proper thing to do, and we recommended that the money should be paid.

92,300. (Mr. Lockwood.) Please turn to the 3rd October 1886?—Yes.

92,301. Do you find there a resolution relating to the payment of fair rents?—Yes.

92,302. Tell me what you have there, will you?

“ That we recommend the farmers of our district to consult and confer with

each other and agree as to what amount of rent they can afford to pay. We

urge them to offer what rent they possibly can, having due regard to the

support of their families and the requirements of their farms next spring, in

order that no opportunity may be given to landlords to resort to eviction.”

92,303. Now, there is one later on, of the 4th September 1887?—Yes.

92,304. Will you read that, please?

“ Resolved, that we enter our solemn and indignant protest against the proclamation of the National League. We believe the Government intend by its unlawful and tyrannical act to exasperate the people, and compel them to abandon the constitutional just and impregnable position the Land League has taught them to occupy. We earnestly exhort the people not to fall into the trap, but to continue, with simple reliance, order, and determination, to carry on their organisation, despite present suffering, and the tyranny of the Government, and while avoiding crime and outrage of every description, to continue to adhere strictly to the rules, and to stand loyally by our national organisation.”

92,305. There was one other question I should have asked you, I believe, at the time of the Phoenix Park murders, a large meeting was held in your neighbourhood?—One of the largest ever held in Maryborough, everyone, in fact, in the town attended it.

92,306. Was that for the purpose of denouncing the murders?—That was for the purpose of denouncing the murders, and at all our meetings, it does not all appear on the face of our resolutions, but there was never, I might say, a meeting but the members were advised to avoid anything in the nature of crime; and at all our public meetings in the same way.

(Mr. Lockwood.) Hand me that book back. Of course I will hand all these books to Mr. Soames; I will hand them to Mr. Cunynghame first. I did not intend to use these books in the first instance, but the reference being made to them, I thought it better to call attention to them.

(The President.) It is not worth while to take another witness.

(Mr. Lockwood.) My learned friend will naturally like to cross-examine this witness to-morrow morning; you must be here to-morrow, Mr. Meehan.

Adjourned to to-morrow at 10.30.



*“Uncorrected Proof.”*

SPECIAL COMMISSION ACT, 1888.

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ROYAL COURTS OF JUSTICE,  
PROBATE COURT No. 1,  
Thursday, 11th July 1889.

(*Sir H. James.*) My Lord, there was a witness called yesterday, Mr. Meahan, who represented the Maryborough Branch of the Land League, but no communication was made by the witness as to the possession of any books whilst he was in the box. Probably there is no blame attached to him, because I did not ask him. He produced to me a private book of his own, but nothing else. As he left the Court we understood there were minute books. They were then produced by my friend Mr. Lockwood, who had them in his possession at that moment. We wish to read extracts from them.

(*Mr. Lockwood.*) I was not aware this gentleman had any books at all. He was called here to give general evidence. I had no knowledge he had books, but directly I heard of them, of course I asked for them.

(*The President.*) Yes.

PATRICK MEAHAN recalled; further cross-examined by Sir HENRY JAMES.

(*The Witness.*) Perhaps, if his Lordship will allow me to state it, I only got notice on Saturday that I was to attend here at this Commission. I brought the books—at least I sent for the books—when I understood it was necessary to produce them. I have the books and should have been very glad to have brought them here.

(*Sir H. James.*) I have no observation to make.

(*The Witness.*) We have nothing in the world to conceal.

(*Sir H. James.*) This witness volunteered them as he went out of the Court. I have no observation to make, as I have said. The first meeting I have referred to is the 16th of June 1880.

(*Mr. Lockwood.*) Is this the book? You had better identify the book, because they have been marked by Mr. Cunynghame. Is that Meahan 6?

(*Sir H. James.*) Yes, that is the exhibit 6. Mr. Lockwood will be good enough to follow me. I think what I am reading is a condensation, but is made so as to give it in substance. The first meeting which is in the book of the Maryborough Branch is dated the 16th of June 1880, and it was addressed by Mr. Boyton, who is stated there to be a delegate from the central office in Dublin. Then, my Lord, I have it in my note (therefore I say it is condensation, I presume)—

“Boyton, amongst other things, stated the central body at Maryborough was entitled to all the funds to be collected by the various branches throughout the Queen’s County for Land League purposes, beyond that which the working expenses of each branch would require; but of course a strict account of these moneys and their expenditure should be kept to be open at any time for the inspection of any elected officer of any of the branches.”

(*Mr. Lockwood.*) You are not reading it as it is here?

(*Sir H. James.*) I am not reading the whole of the speech. The speech is a long one of Mr. Boyton’s. If my friend wishes it, of course I will read it; but I was giving the part I thought material. Certainly the book will go in. At present I will take this course, subject to my friend’s observation. Then Mr. Boyton appears



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

to have attended another meeting on the 25th of June. Then if my friend will turn to Monday, December the 6th, he will find this :—

“ A member of the committee, Mr. Ennis, was requested to bring the case of the president having paid his rent before the League at Dublin.”

92,307. What was the meaning of that? Who was the president; do you recollect?—I do.

92,308. Who was it?—The circumstances of that case were these. Mr. Michael Brady of Lalor's Mills was the then president of the Land League. There was a meeting of the tenants on the Cassan estate, of which he was the tenant. The tenants after consultation with each other—I should mention without any influence, direction, or inspiration from our League—held that meeting, and they believed that the circumstances of their case warranted their asking a certain abatement from the landlord. The charge against Mr. Brady was that he went behind the backs of his fellows and paid the rent after entering into an agreement with them that they were to stand to each other and seek for this abatement. I should mention also that at a subsequent meeting to the one you have mentioned, Mr. Brady's act in that respect was under the consideration of the committee, and for the reasons that he gave to the committee he was exonerated from any blame in the matter.

92,309. I should like to ask you this. You say the tenants, without any communication with the Land League, agreed to ask for an abatement. Did any of the tenants bring this case of Mr. Ennis, the president, before the League, or was it the action of the League?—It was after the meeting of the tenants.

92,310. Yes, but did the tenants come as complainants to your League, or did you put yourselves in motion?—Well, it was a matter of public notoriety. It was mentioned from one to another, and it came before the League as being an act unworthy of the president of the Land League.

92,311. Who brought it before the League?—Well, I cannot recollect, indeed.

92,312. Then the 12th of December 1880 :—

“ The following resolution was proposed by Thomas Brophy and seconded by Mr. Hegarty. Resolved, that having heard the explanation offered by the tenants called before this meeting, we are of opinion that the explanation offered is satisfactory, and under the peculiar circumstances of the case that no blame at all is attached to them.”

Who were the tenants there?—Well, I could not say. If you will kindly pass me the book perhaps it will refresh my memory.

92,313. Just see if there is anything which will enable you to explain that [*passing the book to the witness.*] If you do not recollect we will pass on?—Well, I do not recollect that. It is not in my handwriting, and I do not think I was present at that meeting.

92,314. It is not very important. If you will hand that book to Mr. Lockwood he will follow me. 18th of January 1881 :—

“ Proposed by Mr. Jos. Burke, seconded by George Jessop. Resolved, that we have heard with deep regret the decision of the magistrates assembled at Maryborough Petty Sessions to-day, a decision in which we entirely disagree, and in the face of the evidence offered by the Crown itself we are of opinion that the verdict was not in accordance with the testimony offered.”

Who were the persons that resolved that? How many persons would there be?—I was one of the parties who were before the magistrates on that occasion.

92,315. You were one of the defendants? You say you were one before the magistrates. In what capacity?—Well, there were, I think, four men—respectable merchants in the town—summoned for collecting subscriptions for the Land League. We were charged with intimidation, with having procured those subscriptions by compulsion, and there were, I think, six men from the town summoned to prove this charge against us.

92,316. You were one of the defendants?—Yes, I was one of the defendants, and each of those six gentlemen, who were merchants in the town, when they were examined in Court swore they gave their subscriptions most willingly, and that they felt grateful to us for having called on them for subscriptions. I should mention the



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

magistrates on that occasion fined us 10*l.* each. We appealed the case, and before the chairman of quarter sessions the case was dismissed.

92,317. Who were the other three persons who were so charged?—Mr. Nicholas Walsh, who was for the last two years chairman of the Maryborough Town Commissioners, Mr. Patrick Doran, a poor law guardian, a colleague of mine in the poor law representation of the district, and I cannot recollect the other gentleman.

92,318. Were you present at the time you passed that resolution?—I do not know. You will see by the names who are present. Perhaps I may have permission to say that Mr. Jessop, who seconded that resolution, is one of the largest Protestant tenant farmers in the Queen's County.

92,319. Where was it you say the case was dismissed?—In Maryborough.

92,320. When was that?—I think you will see by the date when that trial took place. It was at the ensuing quarter sessions.

92,321. (*The President.*) By "the case was dismissed" you mean the appeal was successful?—It was, my Lord. Each one of the witnesses that were summoned against us swore that they were not intimidated by us in any shape or form; that they gave their subscriptions willingly, and if we had not called upon them they would have called at the League rooms and paid it.

(*Sir H. James.*) I have not the evidence here. But I shall have some evidence as to how these persons were made to join in a moment. Now, May 16th, 1881. At the end of the meeting of May 16th appears this statement:—

"After the transaction of some private business the meeting adjourned to the general one on Monday evening, the 23rd inst., at 7 o'clock."

92,322. Who transacted private business?—Kindly permit me to see the memorandum book and I will explain. (*The book was handed to the witness.*) Well, those minutes are not in my handwriting, and I think that was the time I was a suspect in Ennis Gaol. I see those minutes were signed by Mr. Odlum, one of the most extensive millers in Ireland, and a Protestant, and his brother was lately appointed a magistrate for the Queen's County.

92,323. I have really nothing to do with the brother of the writer of the minute. I am asking you a question?—But I think it is my right to say there is nothing wrong in it, and that those men would not lend themselves to anything which was unworthy of them.

92,324. Pardon me, you do not understand the object of my question. I cannot let you go into the question whether the brother of the writer is a magistrate or not. Were you in the habit of transacting private business?—Never; we never had any private business save that there might be some little transactions in regard to the treasurer giving an account of the money he received from the members. I am not aware that we ever had any business of a private nature at all. Everything we did was open and above-board, and at our meetings of the League in Maryborough we always had the newspaper reporters there.

92,325. When you were present, was any private business ever transacted?—Never any private business save what had been indicated.

92,326. From your knowledge of what took place in the League, have you any assistance to give us as to what is the meaning of the term there "private business"?—I can only say my opinion is that the private business mentioned there would be that the treasurer might have given an account of the moneys that he had received, and any disbursements he had made.

92,327. That is your idea?—At that time there was a relief fund in the town, and it may have been that the members were engaged in considering that question.

92,328. I see at the meeting of the 30th May 1881 there appears this entry:—

"Some private business was then transacted, amongst which were some accusations made against the treasurer, Mr. Thomas Brennan, by the chairman, Mr. Michael Corcoran, and the secretary, Mr. William Whelan. A long, animated, and at times most warm discussion took place, and at length it was moved by the secretary, and seconded by Mr. Joseph Brennan, that the explanation given by the treasurer, and his general conduct recently, are unsatisfactory to this committee. It was suggested that the matter be adjourned for a week, but the secretary persisted in his motion, and when a vote was about



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

“ being taken, the accused admitted that his conduct had been unsatisfactory.  
 “ The meeting then adjourned.

That is signed Michael Corcoran. Do you know anything about that sort of business being transacted?—As I told you, at that particular meeting I was in Ennis Gaol as a suspect. I may mention that the gentleman who succeeded me for that period of four months in the secretaryship had a little weakness for writing down many things that were unnecessary.

92,329. A weakness for writing?—But I am in a position to give you an explanation of that. The charge against Mr. Brennan was this. When Mr. Doran, Mr. Reddington, and myself were arrested, our houses were broken into at 2 o'clock at night, and we were taken away to Ennis Gaol, and Mr. Brennan was sent for to see us at the railway station, and he refused to get up to come down to us, and that was the charge against him; that he was a cur not to come down to see his colleagues when we were being taken away to gaol.

92,330. That is your idea, that the charge there was that he refused to get up at 2 o'clock in the morning?—I know of my own knowledge that was the charge; that he refused to come down to see his colleagues when we being taken away to gaol.

92,331. Is that the only charge against him, do you mean?—That was the only charge which was ever made against him.

92,332. Was not this the charge? I come, my Lord, to the next meeting, which is on Monday, 13th June. On the 6th June this minute was made:—

“ The secretary was requested to write to Mr. Thomas Brennan, treasurer,  
 “ and inform him that at the next meeting of the committee——

which, I suppose, would be an open meeting——

“ on Monday evening, the 13th June, three complaints would be brought against  
 “ him:—

“ First, of having made sale to a man of manures and seeds, he knowing that  
 “ the man had previously intended to buy those goods at the establishment of  
 “ Mr. Patrick Doran.

92,333. Doran was a person you have just mentioned was a suspect with you?—  
 He was.

92,334. ——

“ Second, that having previously stated in that room at a meeting of the  
 “ committee, that he had sent grocery customers to deal at Mr. Doran's,  
 “ Mr. Brennan be called upon to prove this by stating the names and residences  
 “ of the persons alleged to be so sent; and third, that Mr. Brennan be called  
 “ upon to state the reasons why he so very often absented himself from the  
 “ meetings of the committee.”

I do not find anything here about his not getting up at 2 o'clock in the morning. These seem to be specific charges?—I know that as far as my knowledge goes that was the charge against him.

92,335. Very well; but here are others now, you see. Would such charges as these ever be considered in private?—Never to my knowledge.

92,336. Then you know nothing about it?—And if I had been in the committee room at that time I would not have allowed them to be entertained at all. Many of the responsible men connected with the League had been taken away under the Coercion Act, and I daresay that some nonsensical things might have been done.

92,337. I do not think I will enter into that question with you. Then we come to the minute book——

(Mr. Lockwood.) Is that the 30th or 31st May you have been reading?

(Sir H. James.) The 30th May. I have now the entries in the minute book of the National League. In this book it is stated that the League was established on September 8th, 1882. Do you accept that date as the date of the establishment of your National League?—I think the book will tell. It is on the front page of the book.

92,338. I am so taking it. Then February 12th, 1883:—

“ According to treasurer's statements the subscriptions handed in up to to-day  
 “ amounted to 391l. 4s. 8d., and including outstanding amounts, say, 202l. 8s. 6d.



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

"The meeting calculated that the total would reach 600l. The following districts have not yet sent in subscriptions."

Then there is a list of districts given?—May I give an explanation with regard to that money transaction?

92,339. Yes?—The explanation of that is, the Queen's County from, I think, 1880 paid their representatives, and there was a collection in the county every year, and the entry that is made there is an entry representing what money had been collected for the members' fund. That money was in the hands of the treasurer. The amount collected was divided equally between the two Parliamentary representatives for the county, and every penny that was collected was published in the local newspapers.

92,340. (*Sir H. James.*) That is so. I have called my friend Mr. Lockwood's attention to it, and asked him if he wished it to be read. As regards the division of the fund it is as Mr. Meahan has stated. As he has stated it, I had better read it:—

"After considerable discussion respecting amount at present on hands, the following resolution was put to meeting: proposed by Mr. Cahill and seconded by J. Reddington, 'That the sum at present in treasurer's hands be 'equally divided between the two members.'"

Then there comes a discussion whether the members shall have it in equal proportions, or whether Mr. Lalor shall have three-fifths and Mr. O'Connor two-fifths. There was a long and general discussion on this resolution, and then a certain decision was come to. I called my learned friend Mr. Lockwood's attention to it. Then there is another book, "Extracts from the Minute Book of the Maryborough Branch of the Irish National League, established May 11th, 1884." What is the meaning of that? We have one established on September 8th, 1882, and the next on May 11th, 1884?—The explanation of that is that after the suppression of the Land League we recognised the necessity of having some political organisation in the county, and at the instance of Mr. Richard Lalor we established the Queen's County National League, and if you will refer to the minute book, you will see the objects of that League.

92,341. It is not a question of objects. What I want is this. We first have the establishment of the National League, called the Maryborough Branch, on September 8th, 1882?—Yes.

92,342. (*Mr. Lockwood.*) That is so. I see the League which was founded on September 8th, 1882, is the "Queen's County League"?—Exactly.

(*Mr. Lockwood.*) It is so stated in the book. We have fallen into an error in speaking of this as the National League. I shared in the mistake with my learned friend. Mr. Harrington points that out to me.

92,343. (*Sir H. James.*) Very well; so take it. We have next the establishment of the Irish National League on May 11th, 1884. This is not the first entry we have, but it is the first I refer to:—

"Sunday, February 1st, 1885. It was unanimously agreed that we again put on record our detestation of land-grabbing. We call on all members of our League to discountenance such treason to the cause of Ireland.

"A. PHELAN, Chairman."

Then I read this:—

"May 3rd, 1885. Tynan's case.—P. Kelly explained to the meeting he had seen Mr. J. Claxton, who stated Tynan owed three years rent with costs, and that he was allowed to cut turf each year without charge, the rent of house and garden being only 1l. per year. Meeting considered rent exceedingly reasonable, and refused to take any action in the matter, stating Tynan should not expect to occupy a house and garden without payment of a fair rent."

That is what Mr. Lockwood did read yesterday; only I have now given it *in extenso*.

"Several cases of land-grabbing were brought before the meeting, with complaints that traders in Maryborough were supplying them with goods, when a general conversation took place, and it was unanimously resolved to publish a list of the traders who are members of the branch, and ask all friends of the League to support these only. The list to be published after next monthly meeting. Traders acting contrary to the rules to be expelled.



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

"In reference to the disturbance at Aughaboe meeting the following resolution was proposed by P. Kelly and seconded by J. P. Delaney, and passed unanimously:—

"That we resent as an insult to our branch the cowardly attack made on 'one of our members at the Aughaboe meeting by two individuals from 'Abbeyleise, whose conduct was influenced by personal malice and not by any 'desire to benefit the organisation, and that we call on all branches to dis-'countenance such conduct as tending to discredit the League and end in its 'complete disruption.'

"June 7th, 1885.

"The chairman stated that the reverend president could not attend, and in reference to the publication of names of traders who are members, was anxious it should not be published from this meeting, and that wardens appointed should call upon them during the week."

I think that term is new to us; what is the meaning of the term "wardens" there?—They were gentlemen who were appointed by the Land League or the National League Committee to collect the subscriptions in the different districts.

92,344. —

"After considerable discussion, the following resolution proposed by J. Brennan and seconded by A. Brady, passed unanimously:—'That the publication of the list of members of the League who are traders in the town of Maryborough be postponed until after a special meeting of the committee has discussed the matter more fully, and that a special meeting for the purpose be convened on Sunday next, the 14th inst., at 1 o'clock p.m.'

"After some discussion, an order was made that no card of membership be issued except through the wardens of their district, or by resolution of the committee.

"A complaint having been made that Daniel Kelly of Rathnamanna (a member of our branch) sold hay to an objectionable person, an explanation was considered necessary, and secretary ordered to ask him to attend next meeting on 14th inst. to answer it.

"Sunday, 14th, 1885.

"At adjourned meeting it was resolved that we publish the names of the professional men and traders of the town who have joined the branch of the League, and we request our friends of the surrounding county to support them generously."

92,345. (*Sir H. James.*) Did you find what became of Kelly, who was asked to appear?

(*Mr. Lockwood.*) I will look if I can see anything in reference to Kelly as we go on; I will tell you if I do.

(*Sir H. James.*) See if he comes up again. I was asking my learned friend if he saw an entry with reference to this man Kelly, that he should mention it.

(*Mr. Lockwood.*) There is nothing on that date.

(*The Witness.*) Yes; I think Kelly did give an explanation of it.

(*Sir H. James.*) I do not see that in the minutes, Mr. Meahan, that is all.

92,346. (*Mr. Lockwood.*) When did he give an explanation at a meeting?—Such is my recollection; I think so.

92,347. (*Sir H. James.*) It would be entered, would it not, because you tell him to attend; it is in the minute; he is ordered to attend next meeting to answer it?—The minutes of the meeting immediately after that would show whether he did or not.

92,348. As far as we have looked at it, we cannot find it?—Perhaps, my Lord, I should explain this transaction. This particular matter had reference to a sale of hay which Kelly made to a party who I mentioned in my evidence yesterday was partially boycotted, we did not interfere with his trading with non-members of the League, but what we did say was, and what we insisted upon was, that members of the League who of their own free will came and joined, and accepted our rules, that they should abide by the rules, and shun men who had committed crime; we did not interfere with the man, or did not interfere with any members of the League dealing with him.



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

92,348a. —

“ Sunday, 12th July, 1885.

“ A charge of keeping company with a boycotted person was brought against  
 “ a member. He appeared before the meeting, gave an explanation of why he  
 “ appeared in the boycotted person’s company, and promised to shun it in  
 “ future.”

Then—

“ Sunday, 1st November, 1885.

“ A letter was also read from Shadbally Branch, with reference to the land-  
 “ grabber fund, and a lengthened discussion took place, in the course of which it  
 “ was mentioned that shopkeepers in the town who were members of the League  
 “ kept company with grabbers.

“ The following resolution was proposed by E. Cooke, seconded by C. Brady,  
 “ and passed unanimously, that we regret to notice that notorious land-grabbers  
 “ are thus supplied with goods by several traders in this town. We wish dis-  
 “ tinctly to state that such conduct is totally opposed to the principles of the  
 “ League, and if they do not desist from this evil course they must not be  
 “ surprised if the penalty of traitorism ”——

I believe that is the word ; there is a word there, Mr. Meahan, that even my learned  
 friend Mr. Lockwood cannot read.

(Mr. Lockwood.) I have not had a try yet.

(Sir H. James.) Well, you have done your best ; I have marked it with pencil, just  
 see if you can tell us what it is.

92,349. (Mr. Lockwood.) There is a pencil line underneath it?—Yes, “ Poyntz ;” it is  
 the name of a person.

92,350. (Sir H. James.) No, there is a pencil mark under the words “ The penalty  
 of ”?—Yes, “ If the penalty of traitorism.”

92,351. That is what we thought it was ; that is “ traitorism,” is it?—Well, it is  
 meant to be so.

92,352. —

“ They must not be surprised if the penalty of traitorism is applied. The  
 “ names of the traders alluded to were Messrs. J. Hepwell, A. Case, John Keen,  
 “ and Mr. Poyntz.”

What is the penalty of traitorism according to you Mr. Meahan?—Well, sir, I would  
 imagine in that case it would mean that these men had joined the National League of  
 their own free will, and that the act in that particular matter was in direct opposition  
 to its rules.

92,353. But the penalty?—The penalty would mean that they should be expelled  
 from the organisation.

92,354. That is a general phrase—

“ And if they did not desist from this evil course, they must not be surprised  
 “ if the penalty of traitorism is applied.”

—The penalty was that they would be publicly dismissed—expelled from the League.

92,355. Would that resolution be published in any newspaper, and made known to  
 the public?—I think all the resolutions passed at the branch were published in the  
 newspapers.

92,356. It does not state here that Hepwell Acan, I think it is?—Case is the name.

92,357. Case, Keen, and Poyntz were members of the League?—They were members.

92,358. Are you sure?—Yes ; if you turn to the first Land League book you will  
 find their names as subscribers.

92,359. That does not appear on the face of the resolution?—We did not particu-  
 rise everything in the resolution like that ; naturally we would not deal with the men  
 if they were not members of the League.

92,360. The penalty of terrorism in Ireland is rather severe, is it not?—Well, in  
 some cases it is ; but the penalty there is simply what I say, that they would be  
 publicly expelled from the organisation.

92,361. Amongst other things, would anybody deal with those people?—Well, the  
 best proof that people would deal with them is that we never had a case of boycotting  
 in Maryborough except the parish case that I mentioned yesterday.



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

92,362. Here you see what you say, not that they should be boycotted, but you put it conditionally—

“We wish distinctly to state that such conduct is totally opposed to the principles of the League.”

—Exactly.

92,363.—

“And if they do not desist from this evil course, they must not be surprised if the penalty of traitorism is applied.”

—Exactly. If the men came of their own free will and resigned their membership we would have nothing to do with them, but while they were members of our League, or while they persist in breaking our rules, we were perfectly justified in dealing with them.

92,364. That is not the point. I suppose this resolution had this effect, they did desist, did they not?—Well, I think so.

92,365. Then of course you would not have to apply the boycotting. What I want is to see what the penalty is. Supposing they had refused to desist, and the penalty of traitorism had been applied to them and anybody had dealt with them, would that have been allowed?—Well, we would have expelled them from membership.

92,366. Yes, but I am speaking of persons who dealt with them; what would become of them?—Well, the fact is I think some of the parties did continue. I think one of the parties, Mr. Hepwell, did continue to supply the objectionable person, and he suffered no inconvenience in consequence of it.

92,367. Do you mean you did not carry out your resolution?—Well, not in its entirety.

92,368. Did you carry it out at all?—I should mention many of our resolutions were passed with the object of preventing men doing wrong, and to provide against their continuing in it.

92,369. I am upon the question of what is the penalty of traitorism. If these people had persisted in disobeying this order, and you had expelled them, would anybody have been allowed to deal with them?—Well, people did deal with them, and they were never interfered with.

92,370. They were not expelled?—Yes, we would have expelled them.

92,371. You do not attend to my question; if they disobeyed your order, and if they were expelled, was anybody then allowed to deal with them?—I cannot say that, because the transaction did not occur. I could not give evidence of what did not take place.

92,372. Then I do not see how far the penalty of traitorism which is here written down extended its operations?—The penalty would be that they would be expelled from the League and incur any public odium attached to it.

92,373. If persons were expelled from the League in consequence of misconduct, according to the rules of the League, were persons allowed to deal with those expelled persons?—Oh, yes, every man has free will to deal with them if he is so minded, but the members of the public who deal with those men who committed great social crimes we would expel them also.

92,374. You have resolutions saying that there should not be dealings with them; you do object to persons being dealt with. Do you represent that if persons disobeyed the rules of the League, and were expelled from the League, that any person is allowed to deal with them who thinks proper?—Well, I would imagine that members of the League should in a business way support each other.

92,375. That is not quite my point; you see my question, if you will kindly answer it. If a person be expelled from the League for misconduct in not obeying the rules of the League, were the public allowed, according to your rules, or were the members of the League, allowed to deal with those expelled persons?—Oh, yes, we never interfere with the public dealing with a man if they are so minded.

92,376. Excuse me, members of the League dealing with them?—Members of the League could deal with them if they were so minded, then it would be a question for our committee afterwards, and we might expel them.

92,377. So that if members of the League be expelled for misconduct, and then members of the League deal with those expelled persons, it is a question for your



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

committee whether these persons so dealing should be expelled for dealing with such persons so expelled. It is a long question, but you can follow it?—The only question that ever came before our committee of that nature was, if members broke the rules, that they of their own free will adopted, we expelled them.

92,378. Being expelled, what would the consequence of being expelled be, if your members were allowed to deal with expelled persons?—They can do that if they are so minded.

92,379. But then your committee considers their conduct?—I have never known a case where it was considered.

92,380. You told me just now your committee would afterwards consider their conduct?—Yes, we would consider a breach of the rules by a member at any time.

92,381. Would it be a breach of the rules for a member of the League to deal with an expelled person?—It is a breach of the rules for any member to condone any great public crime or any social crime committed by any member.

92,382. I am going to translate that as an answer, yes, to my question. This rather bears upon it:—

“ On Sunday, 6th December 1885, it was unanimously agreed to that the explanation given by Mr. McDermott was entirely satisfactory, he engaging not to supply men obnoxious to the League in future.”

I suppose if a person had been expelled from the League, he would be a person obnoxious to the League, would he not?—Certainly; the explanation of that is this. There were evictions being carried out at Luggacurren in the Queen's County, and some people who never had any connexion with Maryborough came there and got some supplies.

92,383. Let us see to what extent you carry your disapproval.

(Mr. Lockwood.) What date are you reading?

92,384. (Sir H. James.) I think it is Sunday, the 6th December:—

“ Mr. Charles McDermott gave notice that at the next meeting he would charge Mr. Joseph Brennan with drinking in the house with Mr. Atkinson.”

What is the meaning of this? What had Mr. John Atkinson done?—It was rather a nonsensical notice; but we could not put a stay on this gentleman.

92,385. What had Mr. John Atkinson done that somebody was not to drink with him; was that objectionable to the National League?—We were bound to take that notice from Mr. McDermott, but that same gentleman was never a friend of the National League.

92,386. Who?—Mr. McDermott.

92,387. He was at your meeting; he gave notice?—He was.

92,388. That he would charge Mr. Joseph Brennan with drinking in the house of Mr. John Atkinson; that represented freedom of action according to your view in Maryborough?—I do not think there is a town in Ireland where there has been such perfect freedom. I should mention that Mr. Brennan is a member who brought a charge against Mr. McDermott, and Mr. McDermott brought this charge against Mr. Brennan. “A Roland for an Oliver,” I suppose.

92,389. That represents the freedom of action, as I understand, in Maryborough?—Allow me to say it does not represent freedom of action; what is there only represents the action of one man, Mr. McDermott.

92,390. It appears in your minute book?—Yes, it does; but it does not appear that the committee condemned him for it. Of course it does not follow that Mr. McDermott would take notice of it.

92,391. It gives every man freedom of action?—Yes, we give every man freedom of action; it shows how impartial we are.

92,392. You give him freedom of action to deal with who he likes?—Freedom to deal with who he likes, where he likes, and with any party he likes.

92,393. And even with land-grabbers?—Even with a land-grabber if not a member of our National League. We only deal with members of our own organisation.

92,394. That you call freedom of action?—Yes, and it is. If a gentleman at the Bar does any crime against his fellows he pays the penalty for it.

(The President.) Confine yourself to the question.

(Mr. Lockwood.) You are getting on very delicate ground.



11 July 1889 ]

PATRICK MEAHAN.

[ *Continued.* ]

92,395. (*Sir H. James.*) Did you from time to time report your action to the Central League?—Well, no, unless in any case—I do not think we did—there might have been some very particular things to report.

92,396. There is this :—

“ On Sunday, 3rd April 1887, at the usual monthly meeting a letter was read  
“ from the Central League intimating that the alleged case of land-grabbing at  
“ Castletown had been under the consideration of the Central Executive ” ?

—Yes.

92,397. Did you forward statements to the central executive from time to time?—Did we, sir?

92,398. Yes?—I do not think we did.

92,399. How did they get possession of this; was this a quarrel or discussion between two branches?—I think the facts of that case are these. Castletown is situated about 9 miles from Maryborough, and there was a case of alleged land-grabbing there, which was brought under the notice of the Central League.

92,400. Then what communication was made to you?—There was a communication in the first place from Castletown. Our committee considered it, and on the merits, our committee held it was no case of land-grabbing, and that communication came from the Central League in consequence of our resolution, I think.

92,401. But was it within the Castletown Branch's jurisdiction or yours; what was the meaning of the interference of the Central League?—I could not say unless it was that the Castletown Branch communicated with the Central League to ask their opinion on the matter.

92,402. What had you to do with it, because it occurred at Castletown?—I really cannot recollect now how it was the matter came before our committee.

(*The President.*) It may be that the Central League might have requested a neighbouring League to investigate the matter.

(*Sir H. James.*) Yes, but I do not know what Maryborough had to do with it.

(*The President.*) Being near.

92,403. (*Sir H. James.*) It is only a negative matter, but I do not find in this book any resolutions affecting crime in any way or denouncing crime?—There may be no special resolution in the minute book denouncing crime, for the simple reason that Queen's County is singularly free from crime.

92,404. (*Mr. Lockwood.*) I think there was one; I read it yesterday?—At the assizes in 1887 the county inspector reported to the judge and reported at the succeeding assizes that the county was in a most peaceable state.

#### Re-examined by Mr. Lockwood.

92,405. I understand you to say there was no crime to denounce in your district?—No crime to denounce at all; but I should perhaps say if I had had earlier intimation that I should be summoned here as a witness, that I would have got a collection of the newspapers containing the speeches of the leaders in the county where crime was denounced whenever it was necessary.

92,406. Was there ever any interference, as far as you know, with any person, I mean any physical interference, with any person for not acting in accordance with the wishes of the Land League in your district?—Never, and we never interfered with the liberty of non-members.

92,407. In this somewhat exaggerated language that is used, “the penalty of traitorism,” you say that refers to turning a man out of the League?—Exactly.

92,408. So far as persons who were not members of the League were concerned, you did not endeavour to exercise any jurisdiction over them?—Never, sir.

(*Mr. Lockwood.*) My Lords, I have not had an opportunity of looking at these books because they were handed in as your Lordships know yesterday. I then saw them for the first time, and thought it right to hand them at once to Mr. Soames, and I have not seen them at all. I do not know how much there is that I should wish to call attention to in them, but my present notion, from just glancing at them, is that there is really nothing that I should wish to call attention to, but if upon careful perusal afterwards there should be anything that I wish to bring before the Court I should ask that I may be allowed to call attention to it.



11 July 1889.]

PATRICK MEAHAN.

[Continued.]

*(The President.)* Certainly.

92,409. *(Sir H. James.)* There is one matter more. This gentleman produced letters of a very late date, one of them March 1889, and in it occurs a phrase which I wish to have an explanation of. It is addressed to the honorary secretary of the Maryborough Branch:—

“DEAR SIR,

“Yours of the 25th ult. to hand. I in reply we got the report about Mr.

“Clear from a respectable member of our vigilance, who reported the case to our  
“committee.”

That is addressed to the Maryborough Branch by a person signing himself Thomas Dunning from another branch; Killenante is the name of it, I think?—That, I think, is a letter that came from Tipperary.

92,410. Do you know what the meaning of the words “member of our vigilance” is?—Well, I do not know to my own knowledge what it is. I know the nature of the letter is that a complaint was made by a branch of the League in Tipperary that a cattle dealer from Maryborough had bought some cattle off a boycotted farm up there. I had a copy of the reply to that letter, in which we stated we thought there was no case at all against the man.

92,411. I want to know the meaning of the words “our vigilance”?—I cannot give you the explanation of it, inasmuch as nothing of that sort was connected with our League in Queen’s County.

92,412. This is written from the Irish National League, Tipperary, to you as honorary secretary?—Yes.

92,413.—

“In reply we got the report about Mr. Clear from a respectable member of

“our vigilance, who reported the case to our committee.”

Are those words unknown words to you?—The word “vigilance” of course we can all understand.

92,414. “Our vigilance”?—As far as I know we never had any vigilance committee in connexion with our League.

92,415. So you have told me. I want to know your general knowledge. When a committee-man writes of “our vigilance,” have those words any meaning to you?—No meaning that I know of, beyond the ordinary meaning of the word.

92,416. Our vigilance; does it mean the vigilance committee?—It would mean that some of the members there had made a report.

92,417. Of a vigilance committee?—Of the misconduct of some of the members.

92,418. Have you known it in other branches?—I have never known any vigilance committee to be connected with any branch of the League at all, and I cannot account for the eccentricities of other branches.

92,419. *(Mr. Lockwood.)* Just take the letter in your hand (*handing letter to witness*). Did you receive that letter?—I did.

92,420. What does it refer to?—The first letter I received from this gentleman was that a man named Clear, a cattle dealer, who lives in Maryborough, had bought some cattle from a boycotted farm up in Tipperary, Killenante, and I wrote a receipt of the letter, simply acknowledging that I had received it. I went to Mr. Clear and spoke to him about it, told him I had got this letter, that I did not wish to bring the matter before our committee, or have his name mentioned publicly in connexion with it, and asked him was it his pleasure to give me any explanation about it. He gave me an explanation that he did not know what cattle they were, and did not know anything about it, and I wrote that explanation to the secretary of the Killenante Branch of the League. There was never any mention of it made publically or otherwise that I know of, certainly not in our branch.

92,421. These were letters that you took out of your book yesterday?—Well.

Mr. FOLEY recalled; further examined by Mr. ARTHUR RUSSELL.

*(Mr. A. Russell.)* Mr. Foley’s cross-examination was adjourned to enable him to produce a counterfoil, and also to explain an entry of 600*l.* in his bank book.

*(The Attorney-General.)* Page 5293 is Mr. Foley’s evidence, my Lord.

92,422. *(Mr. A. Russell.)* You have brought a counterfoil book, have you?—Yes.



11 July 1889.]

MR. FOLEY.

[Continued.]

(*Mr. A. Russell.*) Your Lordships may remember the suggestion in the evidence of Mr. Bolton, the clerk from the Pearl Life Assurance; was this cheque paid to Byrne?

(*The Attorney-General.*) I do not think you should refer to this, particularly now.

(*Mr. A. Russell.*) It is to explain——

(*The Attorney-General.*) Let him give his explanation. That is best.

(*Mr. A. Russell.*) The suggestion was that he had drawn the cheque in a book in which he did not usually write his cheques, and it was in pencil, tacked on the counterfoil as was usual.

92,423. Is that the case? Did you draw your cheque in the ordinary book in which you wrote your cheques?—Yes.

92,424. Was it tacked like any other cheques on to the counterfoil?—Yes.

92,425. As to that 600*l.* in your bank book, would you explain what you know about it?—Well, 500*l.* of that was from the company to me to cover payments, and 100*l.*——

92,426. 500*l.* was an advance made by you for the company?—Yes; and 100*l.* from, I think, the treasurer of the League, who was in Paris. I believe it was Mr. Egan, payable through the firm of Alexander in London.

Cross-examined by Mr. MURPHY.

92,427. Let us take things by steps; you have got your pass book there?—Yes. (*Pass book was handed to Mr. Murphy.*) Those two items are entered by the secretary of the bank.

92,428. Were you aware when you were here the last day that 100*l.*, part of the 600*l.*, was a remittance through Alexander's?—Yes.

92,429. When did you first become aware of that?—Oh, when I exchanged the cheque.

92,430. You have always remembered, then, that it was a cheque given to Byrne; give us your explanation of it?—Yes.

92,431. You gave your cheque to Byrne?—In exchange for the first cheque.

92,432. Where did you give it to him?—In my office.

92,433. Why did he say he wanted it; what did he give you in the first instance?—Simply for League purposes.

92,434. He brought you something?—He brought me this cheque.

92,435. "This cheque"; what cheque?—A cheque for 100*l.*

92,436. Drawn by——?—Drawn by, I believe it was, Mr. Egan.

92,437. Drawn by Egan?—Yes, in the favour of Byrne, payable through Alexander's.

92,438. At what bank?—Alexander's Bank—I forget the other name. Of course it is seven or eight years ago, and I cannot recall those things.

92,439. It was in favour of Byrne, and he may have cashed it himself at Alexander's?—No; it was a crossed cheque.

92,440. Therefore he came to you to give him your cheque?—Yes.

92,441. Have you always considered that was a payment which was pertinent to this inquiry?—Simply on the ground——

92,442. Kindly answer the question first?—On account of a detective from the Government calling at the office in reference to the matter, I then considered it was my duty to take note of that.

92,443. (*The President.*) What do you mean by a detective of the Government?—The detective called——

92,444. When?—Shortly after Mr. Byrne left London.

92,445. (*Mr. Murphy.*) You very properly included it in your affidavit of documents?—Yes.

92,446. Was that the first cheque that you ever changed for Byrne; just consider before you answer the question?—Well, I may have cashed one or two small cheques. I will not be sure. I think I have cashed one or two small cheques.

92,447. Kindly remember again before you answer?—I am positive about that.

92,448. One or two of what amount?—Well, I cannot remember the amount, and I looked through my pass book to see if I could find any, and I could not find Mr. Byrne's name; therefore I concluded they were simply cashed.



11 July 1889.]

MR. FOLEY.

[Continued.]

92,449. You remember the fact of having done so?—Well, I have a kind of recollection.

92,450. A kind of recollection?—Yes.

92,451. The fact of Mr. Byrne's leaving the country at the time he did would have recalled a question of that sort at the time?—Well, I daresay it would bring it to my mind.

92,452. Therefore I may take it you have no doubt you did cash cheques for him?—Well, I believe I did; only one or two.

92,453. Now, will you tell me the amount?—As I have before told you, I could not; it is impossible to remember a circumstance so long ago.

92,454. Was it before or after this one?—Well, I should say it would be before.

92,455. Have you sufficiently a definite recollection, or is it a mere suggestion you made on the subject?—Indeed, my recollection is very hazy.

92,456. It may have been after?—No, I do not think it was after.

92,457. Are you prepared to say you cashed no cheque for him after this date; now then?—No, I do not think I did.

92,458. You will not go beyond that?—I will not go beyond that. I cannot carry my memory so far back.

92,459. Was Byrne in the habit of coming to your office?—Well, occasionally—let me see—I do not think he was. Well I should be safe in saying that I do not think he has been half-a-dozen times to our office in his life.

92,460. Has he been to your office after the date of this cheque?—Yes, he called before he left London. As I was a member of the executive of the organisation at the time, he came to me telling me he intended to resign as he had previously been ill. I told him he ought to take a month or two's leave of absence rather than resign.

92,461. Did you give him any money?—No.

92,462. Directly or indirectly?—Directly or indirectly.

92,463. Did you give money to Mr. Quinn for him?—No.

92,464. No money?—No money.

92,465. You knew he was going away?—I did not know he was going away.

92,466. How long before his departure were you aware?—Well, indeed, I did not know; he told me that he thought of going, but there was nothing definite in fact. He told me that he again put the matter before the executive, after I advised him to take leave of absence for a month or two, for the benefit of his health.

92,467. For the moment I leave Byrne. Other members of the Irish Party were in the habit of coming to your office?—Well, I had several members of the Irish Party call to see me when in town.

92,468. Used they to come and sit in your office for a time?—Well, they might come in and stay a few minutes with me, but never further.

92,469. Give me the names of some; Mr. Biggar?—Mr. Biggar has never been in my office. While I am on that, it was sworn here on one occasion that Mr. Parnell called on me. Mr. Parnell never called at my office, although I would have considered it a great honour had he done so.

92,470. You say he has not been to your office at all?—Not at all.

92,471. You were a member of the English Land League?—Yes.

92,472. And on the executive committee?—Yes, I was; but not now.

92,473. And two of the paid servants—organisers—were Frank Byrne and the Walsh of Middlesborough?—Yes.

92,474. When did you begin to receive moneys on account of the English Land League?—I never did; it was not my place; it was not my position to receive moneys.

92,475. You were on the executive?—I was on the executive.

92,476. Though it might not be your actual business, I wish to know when the English Land League received moneys, and what it did with them?—I could not tell you the date.

92,477. October 1881, at all events?—Well, I suppose so; I was a member of the executive at that time.

92,478. Was an account kept of the moneys that were received?—Yes.

92,479. Was it entered in a book?—I believe so.

92,480. And what you did with it?—And what was done with it.

92,481. Where is that book?—I do not know.



11 July 1889.]

MR. FOLEY.

[Continued.]

92,482. Between October 1881 and October 1882?—I have not been a member of the executive of the League for the last six years.

92,483. Where was it when you last were there; was the book there then?—It was in the offices of the League.

92,484. Whose charge was it in?—In the secretary's.

92,485. What was his name?—Mr. Byrne.

92,486. After Byrne went, in whose charge was it?—I suppose it would be in the charge of the person who succeeded him.

92,487. What was his name?—I forget for the moment, now; I think the assistant secretary.

92,488. What was his name?—McSweeney, I think.

92,489. Mr. McSweeney?—Yes.

92,490. Who was the gentleman who would be in the principal charge of the office from October 1881 to October 1883?—Well, the assistant secretary, I suppose, so far as my memory serves me.

92,491. Were cheques received from the Irish Land League [in October 1881 and October 1882?—I should say so. I know during the year money was received from Dublin.

92,492. Were cheques received from Mr. Justin McCarthy during those periods?—I believe Mr. Justin McCarthy cashed cheques for the secretary.

92,493. Is there any record you could produce of what was done with those cheques and the amount which was received?—It is years ago since I was connected as a member of the executive, and therefore I cannot say.

92,494. Have you taken any steps to ascertain? Mr. McCarthy has been here and now you are here; who is to tell us about these cheques and these accounts?—Well, the executive who succeeded us.

92,495. Who is the executive who succeeded you by name?—Well, Mr. T. P. O'Connor is the president.

92,496. He has been here and told us he knows nothing about it?—If he does not is impossible for me to know.

92,497. Is it a fact that nobody knows anything about these accounts and this money?—That is not a question to ask me.

92,498. I suggest it is?—It is not for me to know what anybody knows, only what I know myself.

92,499. Have you a banking account?—Yes.

92,500. Where?—At the Central Bank of London. Oh, you mean for the branch. I thought you meant myself personally.

92,501. I meant the English League?—No.

92,502. You have no banking account and no book to show where the moneys went, and no information to give the Court now?—I told you the books in my time were there.

92,503. But they have disappeared?—Well, I cannot be accountable for it.

(Mr. Lockwood.) Do not say that.

(Mr. Murphy.) Forgive me.

92,504. Where are they?

(Mr. R. T. Reid.) My learned friend would not desire to make a statement of fact in which he is entirely mistaken; these books of the English League have been inspected.

(Mr. Justice A. L. Smith.) Not for 1881 and 1882.

(Mr. R. T. Reid.) For the English Land League.

(The Attorney-General.) May I remind your Lordship, Mr. Lewis stated in his affidavit from a letter produced by Brady that there was a cash book kept by the other Land League from 1881 to 1882 exactly in accordance with this evidence, and he came back and said that that was a mistake; that is the book. It has never been produced to us.

(Mr. R. T. Reid.) I certainly was not under the impression it was a book. I thought Mr. Lewis had given the answer.

(The President.) It was a mistake of which he took the responsibility upon himself.

(Mr. Lockwood.) Mr. Lewis was cross-examined by Sir Henry James, and said it was a mistake.

95,504a. (Mr. Murphy.) At present my learned friend is correct, there is no bank book or anything else?—I am not aware at all about it myself.



11 July 1889.]

MR. FOLEY.

[Continued.]

92,505. You will agree with me it is an important period in this inquiry, and that we should know something about the matter, the English Land League. Walsh and Byrne, your two servants, have disappeared; arms have been proved to Walsh; and there has been evidence of Byrne too about the Phoenix Park murder; cannot you give us any assistance to see what money there was, and what was done with it?—It is impossible for me to remember all this time, and I have not the possession of the books.

92,506. Now the counterfoil of this cheque in favour of Byrne, have you got it?—Mr. Soames has the counterfoil, I think.

92,507. I think not; we have asked for that over and over again?—Mr. Lewis's clerk brought it round.

(Mr. Murphy.) There was an adjournment, amongst other things, to produce this book.

(Mr. R. T. Reid.) I beg your pardon.

(Mr. Murphy.) The counterfoil of this cheque. (*The book was produced and handed to the witness and then handed to Mr. Murphy, the witness pointing out the counterfoil.*)

92,508. (Mr. Murphy.) My Lord, the counterfoil is here, "P. J. F." in pencil, "Byrne, 100l." As far as I can see this is the only one in which the counterfoil is entered in pencil, is not it?—Well, I believe it is, I do not know.

92,509. Why was that?—I did not write it, the clerk wrote it.

92,510. There is another incident here that strikes me as strange, perhaps you can explain it. The counterfoil you have given is F. 78,916, whereas the cheque is F. 78,919?—Excuse me, the cheque is in possession of the Court.

(Mr. Murphy.) I think you are right. Yes, probably that is another cheque. Mr. Foley is perfectly right, my Lord; it appeared to be the same counterfoil.

92,511. The Pearl banking account that has been spoken of, is that yours?—That is my private account, and the 500l. advanced by the company to me was to cover advances which I made for the company; they were small accounts.

92,512. Did any of the members have an account at the Pearl Company or not?—No.

92,513. No?—No.

92,514. However, this is your own private account, that is here in this pass book?—Yes.

Re-examined by Mr. R. T. REID.

92,515. One question, Mr. Foley; did you have any charge of these books yourself?—Never.

(Mr. R. T. Reid.) My Lord, I desire to point out in regard to the counterfoils being in pencil. I do not know whether the suggestion was made in reference to it, that at page 2,381 it is proved in examination-in-chief by the "Times" that the entry was made in pencil in the counterfoil. One other thing my learned friend has spoken about the men Walsh and Byrne, the servants of the League, being present, and arms being traced. I think Thomas Walsh was the person.

(Mr. Murphy.) Forgive me, the evidence is John Walsh of Middlesborough.

(Mr. R. T. Reid.) There is evidence of Thomas Walsh being in possession at a certain time.

((The President.) It was Walsh at Middlesborough, one of the witnesses adopted it.

(Mr. Murphy.) May I ask one question I omitted to ask?

92,516. I point out to you that the counterfoil in this book here is in pencil; the counterfoils of all the others are in ink; can you give any reason why that is done?—I cannot say.

92,517. I should like you to look at it (*handed to the witness*)?—It was not written by me, it was written by a clerk in the office, and I certainly cannot give any explanation of that.

92,518. (Mr. R. T. Reid.) I should like to ask you upon that, the cheque payable to Byrne, and for which you gave your cheque; was that an open cheque?—It was an open cheque payable to order and endorsed by him; and that was put in the pass book, and the clerk is here who tore it out from the book at the time, just after I received that subpoena from the "Times" to come here.

(Mr. R. T. Reid.) I will call that clerk.



[ 11 July 1889.]

GEORGE SHRUBSOLE.

[Continued.]

Mr. GEORGE SHRUBSOLE sworn ; examined by Mr. R. T. REID.

93,519. (*Mr. R. T. Reid.*) Would you kindly look at the book of cheques ; I think you will find it has been torn out.

(*The President.*) The fact appears clearly enough, what bearing it has I do not at present see. It has been pasted in with a piece of other paper to connect the two, and then the counterfoil has been torn off, or it has been torn away.

(*Mr. R. T. Reid.*) My Lord, I am not quite sure I know the bearing. I assume my learned friend had an object, in point of fact they suggested that the cheque was missing from the counterfoil book, and I suppose they had some object in doing so.

92,520. Are you a clerk of the Pearl Insurance Office ?—Yes.

92,521. And do you recollect taking a cheque out of the counterfoil book where it had been pasted in ?—I do.

92,522. Kindly look at that cheque and see whether that is it (*handed to the witness*) ?—Yes, I took that out.

92,523. Do you remember when you took that out ?—Yes, I looked for the cheque when Mr. Foley received his subpoena, and tore it out at that time.

Cross-examined by the ATTORNEY-GENERAL.

92,524. Were you at the Pearl Insurance Office in 1882 ?—Yes.

92,525. I understand it was a cheque of Egan on Alexander's ; did you see the 100l. cheque, or do you know nothing more about that ?—I should have seen the cheque at the time.

92,526. Do you know any of the members yourself—any of the Irish members of Parliament ?—I know some of them by sight.

92,527. Had you seen any of them at the Pearl premises ?—I have perhaps seen one or two.

92,528. Who ? I am speaking of the years 1881 and 1882 ?—I cannot say ; I have seen them chiefly since that, I think.

92,529. Try ; take your memory back ; would you see them in 1881 or 1882 at all ?—I think not.

92,530. Are you sure ?—I think not. I do not distinctly remember.

92,531. Tell me who you remember as attending subsequently to that date ?—I saw Mr. Pyne a little while ago.

92,532. Anyone else ; try and think ; Mr. O'Kelly ?—No, I saw Mr. Campbell once, I think.

92,533. Nobody else ?—I do not remember now.

92,534. Were not any of the Irish members in the habit of coming to the Pearl Assurance Office not infrequently in the years 1881 and 1882 ?—No.

92,535. You are quite sure of that ?—Yes.

92,536. That would not have happened without your knowing it ?—No.

92,537. Were any accounts at all kept of any of the moneys by any of the clerks of the Pearl Assurance Company ?—Do you mean the office moneys ?

92,538. No ; were any accounts kept for any of the members—any accounts kept at all by any of the clerks of the Pearl Assurance Company ?—No.

92,539. Used Mr. Redmond to come in those times—either of the Mr. Redmonds ?—As visitors ?

92,540. At all to the bank premises ?—They were in the office for a time. I believe in the year 1879, they were not members then.

92,541. After 1879 were they employed by the Pearl Insurance Company ?—For a few months temporarily.

92,542. The two Mr. Redmonds ?—Yes.

92,543. John and William ?—Yes, not together.

92,544. What year was that ?—Well, it would be at the beginning of 1880, or at the end of 1879.

92,545. For how long ?—A very few months.

92,546. You say not together ; did John come first and then William ?—Yes.

92,547. Were the Redmonds constant visitors to the Pearl Assurance Company after the time they were employed ?—No, sir, I have never seen them there since.



11 July 1889.]

GEORGE SHRUBSOLE.

[Continued.]

92,548. (*The President.*) Would you be kind enough to explain to me, Mr. Shrubsole, when you tore this out?—I understood at the time that Mr. Foley wanted the cheque, my Lord; I did not understand that he wanted the book, I only thought he wanted the cheque.

92,549. What directions had you received which led you to take this step?—Mr. Foley had asked me to hunt for this old cheque.

92,550. Then when you came upon it you tore it out?—Yes.

92,551. Your instructions were specific to look for this cheque?—Yes.

(*Mr. R. T. Reid.*) May I draw your Lordship's attention to this subpcœna, it is for the bank books, returned cheques.

(*The President.*) Returned cheques.

(*Mr. R. T. Reid.*) Yes, private ledgers, and cash books for the year; it did not ask for the counterfoils.

(*Mr. Murphy.*) That is quite true.

(*Mr. R. T. Reid.*) That proves my explanation about it.

(*The Attorney-General.*) We were asked to take the Mayor of Cork; his cross-examination was adjourned yesterday, my Lord,

(*The President.*) Yes.

Mr. DANIEL RYAN recalled; cross-examined by Mr. ATKINSON.

92,552. When did you first join the League?—Which league do you mean?

92,553. The Land League?—From its very inception.

92,554. In 1879?—Yes.

92,555. Had you attended the meetings of the Cork Land League in reference to which Mr. John O'Connor was examined?—I do not know that I have.

92,556. Did you attend the meeting to inaugurate or reorganise the League on the 11th October 1880?—Yes. Do you mean the one held at the Chamber of Commerce?

92,557. Yes?—Yes.

92,558. Did you hear Mr. Dillon's speech there?—I did.

92,559. Were you a member of the Irish Republican Brotherhood?—Yes.

92,560. Did you take part in a meeting of the League on the 17th January 1881?—Where was that held?

92,561. Cork?—What place in Cork.

92,562. A meeting of the Cork Land League at their rooms in Princes Street?—Yes, I am not sure about the date.

92,563. What is your Christian name?—Daniel.

92,564. "Daniel Ryan, T.C.," that would be you, would it not?—Yes.

92,565. Was there a Mr. O'Sullivan present?—Yes, what is his Christian name?

92,566. C. P., I think it is?—Yes.

92,567. Is he a well-known member of the Fenian Brotherhood?—For myself I am not aware.

92,568. Did not you know that he was the man, did you read in the papers a report of a discussion at the League with reference to a raid for arms in the steamship "Juno"?—No.

92,569. On the "Juno"?—I might have read in the papers, but not at the meeting.

92,570. Did you read in the papers?—I should say so.

92,571. Is not that Mr. O'Sullivan the one who proposed the censure of those who took part in that raid?—I should say so.

92,572. The same man?—I do not know much about that at all.

92,573. Is he not the same man?—I should say so.

92,574. Do you remember Mr. O'Sullivan proposing this resolution:—

"That in the event of the Government trying by unconstitutional means to suppress our organisation, we advise the people to form secret societies composed of men, who know each other in each parish, to carry out the objects for which the League was formed."

"The Chairman Mr. John Brennan said there could be no objection to that."

92,575. That is in the "Cork Herald" on the 17th January 1881, page 4?—Is my name put down as being at that meeting?



11 July 1889.]

DANIEL RYAN.

[Continued.]

92,576. Yes, "D. Ryan, T.C." ?—I do not think that was carried. To the best of my recollection, that was not carried.

92,577. —

"The Chairman, Mr. John Brennan, said there was no objection to that."

—I am not aware.

92,578. Did you in any way object to that?—I think I must have.

92,578a. Was there another meeting afterwards held in reference to that resolution?

—I cannot say.

92,579. Are you able at all to recall to your mind whether you objected at that or any other meeting to that resolution?—I should say it was not carried at all as far as I think and remember.

92,580. I will read you what Mr. O'Sullivan said :—

"Mr. O'Sullivan said he wished to offer a few words of explanation of the resolution which he proposed there the last day as it had been altogether misunderstood. He was pretty well acquainted with the Trades Unions," and so it goes on. That is apparently another resolution. This is the "Cork Herald" of the 17th January, page 4, column 1. Apparently you object to Mr. O'Sullivan speaking, and then the chairman ruled Mr. O'Sullivan in order, and then Mr. O'Sullivan proceeds :

"He was just giving the reasons why he brought forward his motion. The reason of it was because he had carefully studied the speeches made by members of the Government in Parliament, and he thought that if the Government adopted the measures they anticipated from those speeches the Land League would be immediately smashed up. He was a member of a trade society, and when they had a serious strike in it they were obliged to dissolve their society. There was another committee formed, a secret committee. It was not oath-bound and did not come within the laws of the Church, as was intimated in the paper referred to, but the committee thought it was illegal to prevent the Government coming at the people of the trade and enabled them to do some practical work in connexion with their society. Now, he thought it would be a very great responsibility for the League to assume to be giving the Government facilities to prosecute the people."

"The chairman, interrupting, said, that he had been listening very carefully to Mr. O'Sullivan, and believed that he was now out of order, as he was going outside the discussion of what took place."

Then there was an interruption, and—

"The chairman explained that any member could give notice of motion, but the notice of motion should first come before the committee."

Then Mr. O'Sullivan says :—

"Then I hand in the following notice of motion to the committee : 'That in the event of the Government trying by unconstitutional means to suppress our organisation, we advise the people to form secret committees of men who know each other in each parish to carry out the objects for which the League was formed.'"

"The Chairman : There can be no objection to that."

"Mr. R. Walsh : Cannot anybody propose a resolution here but a member of the committee ; the committee want to monopolise everything," and so it goes on, and that is all that appears about it.

(The President.) What was the result?

(Mr. Atkinson.) That was a notice of motion.

92,581. Did not that come before the next meeting of the League?—It might.

92,582. Did you not attend the next meeting of the League?—I cannot say.

92,583. Did you not swear yesterday that you attended almost every committee meeting from the first?—Almost.

92,584. Have you any doubt then that you attended the next meeting following that at which that matter was considered?—I could not say that I had.

92,585. The members present were Mr. John O'Connor, John Deasy, who is now a Member of Parliament, D. Ryan, T. C., John Heffernan, E. J. Farrell, Timothy Harrington—that is not the Member of Parliament?—No.



11 July 1889.]

DANIEL RYAN.

[Continued.]

92,586. And several other members. Do you know whether those secret committee<sup>s</sup> were formed in pursuance of that resolution?—No, I am sure they were not. They would not be countenanced for a moment.

92,587. Did anybody object? We cannot find a report of the next meeting of the League, I may mention, in reference to any proceedings with regard to this?

(*Mr. R. T. Reid.*) I think it was seconded.

92,588. (*Mr. Atkinson.*) No, it is a notice of motion. I have already stated it was a notice of motion?—If I were to say anything, my Lord, it was never acted on. It would not be acted on at all.

92,589. Listen to what the chairman says?

(*The President.*) There was no objection to giving notice of that motion? That is all that it amounts to.

92,589a. (*Mr. Atkinson.*) Did you keep any books?—I know nothing at all about books. I never interfered with them at all.

92,590. Do you know whether books were kept?—They were kept.

92,591. Would not the notice of motion appear upon the books?—Very likely.

92,592. And would not the ultimate result of the motion appear upon the books?—I should say so.

92,593. Where are the books?—I could not tell you.

92,594. Were books kept?—Yes, I saw the books.

92,595. Who was the secretary?—I do not know who was the secretary then. I do not remember in 1880.

92,596. 1881 this is?—In 1881, I do not know.

92,597. Was Mr. P. P. O'Neill secretary of the League?—Yes, I do remember now.

92,598. Does he live in Cork?—No.

92,599. Where does he live?—In Youghal.

92,600. Is he living there still?—He is.

92,601. Who succeeded him, do you know?—I do not remember.

92,602. Did you see the books kept down till October 1881?—I should say he did, but I never took any trouble about them.

92,603. Are you a business man?—Yes.

92,604. Do not you know that they had books, and you say you attended every meeting of the committee; do not you know that the proceedings were entered in the minute book?—I should say so.

92,605. When you last see the books?—I did not see them. I took no trouble at all about the books. I had nothing at all to do with them, good or bad, more than to see them, and see they were correct.

92,606. Were not you a member of the committee?—I was.

92,607. In whose charge did you see them when last you saw them?—I could not tell you.

92,608. Who is the secretary of the National League?—Do you mean the present secretary?

92,609. No, the secretary on the creation of the League?—I am not sure. I think Mr. O'Connor was one.

92,610. Which Mr. O'Connor, Mr. John O'Connor?—I think so. I am not quite sure indeed.

92,611. Had the National League books?—Yes, I am not quite sure.

92,612. Have you got them?—No; I have no books at all.

92,613. Who keeps the books of the National League?—I could not tell you. I have nothing to do with them.

92,614. Are not you a member of the Committee?—I am. I might explain. I am a member by virtue of my office as mayor this year, that is all. I was not last year or the year before.

92,615. Listen for a moment to your answer yesterday:—

“I may tell you further, that there was scarcely a committee meeting for

“several years that I did not attend, up to within the last two years. Since I

“became mayor, I have attended every meeting I believe, with one exception?

“during the whole time.”

—That is so.



11 July 1889.]

DANIEL RYAN.

[Continued.]

92,616. —

“And there was nothing occurred that I could find the least objection to.”

?—Certainly.

92,617. Who therefore had the books of the National League?—The present secretaries are Mr. William Murphy, solicitor, and a Mr. Ford.

92,618. You took an interest in the proceedings of the committees of course?—Certainly.

92,619. And the proceedings of the League?—Yes.

92,620. In 1881, when it was suppressed, do you know at all who took charge of the books and documents in the place?—No.

92,621. Did you make any inquiry?—No.

92,622. Had you also an account of the expenditure?—Yes.

92,623. You have no idea where they are?—No.

92,624. Had you also communications, letters received from the Central Office in Dublin?—No, I had no letters whatever.

92,625. Were the committee in the habit of receiving communications from Dublin?—They may have been.

92,626. Were they? You attended every committee meeting?—Well, I should say there have been some letters received.

92,627. And letters sent to the Central Branch?—I should say so.

92,628. And copies of those kept possibly?—I do not remember. Yes, it is likely. I do not remember.

92,629. Were not they business men on the committee in Cork?—They were.

92,630. Accustomed to transact business?—Yes.

92,631. Do not you know that they kept copies of the communications?—I should say so.

92,632. Where are they?—I do not know.

92,633. What became of them when the League was broken up?—I could not tell you. I had nothing to do with the books.

92,634. Who has anything to do with the books?—Perhaps the two secretaries at present may know more than I do. Mr. Murphy was secretary for three or four years.

92,635. (*Mr. R. T. Reid.*) Is my friend inviting me to call these secretaries? This witness does not know anything about the books?—I do not know anything about the books.

(*The President.*) He is being cross-examined you know.

92,636. (*Mr. Atkinson.*) You said, I think, in your answer yesterday—

“As far as I know, with regard to crime and outrage in Cork and its vicinity,

“it has always preached the doctrine of peace and quietness, and prevented

“outrage in every shape and form that came under its observation.”

Then you go on to deal with the Phoenix Park murder. You passed a resolution condemning the Phoenix Park murder?—Yes.

92,637. So that you did not confine yourself to outrages taking place within your own district?—Certainly not.

92,638. You extended it beyond that?—Yes.

92,639. You say they endeavoured to prevent crime and outrage in every way?—Yes.

92,640. Would you think assistance given to detect criminals a good way of preventing crime and outrage?—To detect criminals?

92,641. Yes, who had committed crime?—I do not understand you.

92,642. Do you think assistance given to detect criminals who had committed agrarian crime would not be a good way of preventing the recurrence of it?—It all depends on the circumstances. It all depends on what the case might be. I do not know.

92,643. You have said they endeavoured to preach the doctrine of peace, and prevented outrage in every shape and form?—Yes.

92,644. Do you consider that giving information to the authorities in reference to outrage that had been committed is a good way of preventing the recurrence of it?—Do you mean with regard to raising a subscription in addition to the Government?

92,645. You know apparently what I am coming to?—Yes, I do think it is a good thing.

92,646. You do think it is a good thing?—Yes.



11 July 1889.]

DANIEL RYAN.

[Continued.]

92,647. That is to endeavour to bring criminals to justice?—Under certain circumstances.

92,648. What are the circumstances?—The circumstance that has occurred of the unfortunate occurrence of the Phoenix Park.

92,649. What are the circumstances in which it would not be a good thing to bring criminals to justice?—I do not know.

92,650. You said “under certain circumstances” it would be a good thing to bring criminals to justice. What are the circumstances under which, in your opinion, it would not be a good thing to bring them to justice?—I do not know.

92,651. Why did you say “under circumstances”?—I merely said, with regard to the unfortunate occurrence of the Phoenix Park, that we held a meeting the previous Sunday, and that we denounced the perpetration of that crime, and that we intended to raise a subscription, in addition to the Government, to bring those parties to justice.

92,652. That is, to punish them, and by their punishment to prevent the recurrence?—Yes, certainly.

92,653. Now let me call your attention, please, to a transaction you were party to. It is in the “Cork Herald” of the 28th of February 1881. You said you did not confine your denunciation to your own district?—It is only in that case alone that I speak of now. I am only speaking with regard to the Phoenix Park affair.

92,654. Did not you say you denounced outrage outside your own district?—Certainly.

92,655. Cork and its vicinity?—If it occurred; but it has not occurred that I know of.

92,656. At a meeting of the Cork Land League; reported in the “Cork Daily Herald” of the 28th of February 1881, Mr. Riordan, who was the chairman, in the chair, Mr. E. Farrell, J. O'Connor, honorary secretary. Is that Mr. John O'Connor?—I do not think I know anything about that meeting.

92,657. Were not you there?—I do not think so. I am not sure.

92,658. “Mr. Ryan”?—What is the date of that?

92,659. February 1881?—I must have been.

92,660. Do not you remember being present?—If my name is there of course I was. I am not sure.

92,661. “D. Ryan, T.C.”?—Yes, that is right.

92,662.—

“Mr. O'Connor said that he had received a letter from the secretary to the effect that the Buttevant Land League had passed a resolution offering a reward to any person who would bring to prosecution the perpetrators of the outrage near that town, and asking the League for an expression of opinion from the Cork Land League upon the subject. He (Mr. O'Connor) begged to suggest to the writer that they ought to allow the Government to do their own police work. (Hear, hear).”

“Mr. Ryan: Certainly; what have we to do with it?”

—Yes.

92,663. Do you remember that?—I do not remember it; but it is most likely that I said it, of course.

92,664. Have you any doubt you said it?—Oh, I have no doubt whatever, if it is there.

92,665. What was the outrage which was committed?—I do not remember.

92,666. Did you ascertain at the time?—It is likely I did.

92,667. Why did you say you had nothing to do with it?—Because I had nothing to do with it. I had nothing to do with that.

92,668. Why did you say that the Cork Land League had nothing to do with bringing the perpetrator of this outrage to justice in the Buttevant district?—The parties in the locality themselves might deal with it—in their own locality.

92,669. “Mr. O'Connor begged to suggest to the writer that they ought to allow the Government to do their own police work. (Hear, hear.) Mr. Ryan: Certainly.” That is the Government ought to be allowed to do their own police work?—I regret to say they are doing it in a very curious manner.

(The President.) That is not an answer to the question. We are dealing with a particular thing. These general observations are entirely out of place.



11 July 1889.]

DANIEL RYAN.

[Continued.]

92,670. (*Mr. Atkinson.*) If you really desired to put down crime, why did not you encourage the Buttevant League in the detection of the criminal who committed this outrage?—I do not know. I do not know whether I ever said that.

92,671. Have you any doubt you said it?—I have no doubt; perhaps. I do not remember ever saying it. That is all the answer I give you.

92,672. Have you any doubt you said it?—I do not remember ever saying it.

92,673. Have you the slightest doubt?—Perhaps I did.

92,674. Did you say a few moments ago that you had no doubt you said it?—Well, I say the same now.

92,675. What has changed your mind since?—Nothing at all.

92,676. Then have you any doubt you said so?—I do not remember saying it, I say.

92,677. Then have you any doubt you said so?—I suppose I said so.

92,678. Do you approve of it? Do you approve of that expression of opinion?—I do not know. I would wish to put down crime wherever I could.

92,679. Why, when you got the chance in this particular instance, did you not?—Well, I could not. If I knew the surroundings of the case, and knew the whole case, perhaps I would be able to answer you. Otherwise I cannot.

92,680. You have told me already that on the occasion you believe you had ascertained the circumstances?—It would be impossible for me to go back six years without having the slightest intimation of anything of the kind.

92,681. Then is it without knowing the circumstances or anything about it that you said the Government should be allowed to do its own police work?—I knew the circumstances then, but surely I do not remember it now. I took no notes of anything of the kind.

92,682. Did you on any occasion assist or encourage the people to aid the police in any way in the detection of crime?—No, I did not, indeed. You say “any way in the detection of crime.” Well, it has not come exactly under my notice.

92,683. Crime has not?—No.

92,684. What did you mean then by this phrase that you used yesterday, that you endeavoured to prevent crime in every form?—I said the League did, and its committee in their meetings.

92,685. This was the League at a meeting of the committee?—Yes.

92,686. Asked to co-operate with the Buttevant League—to express their opinion upon it and co-operate with it?—Read the rest of the meeting.

92,687. The rest of the meeting does not deal with it. I have read all that deals with it?—Is it disposed of there?

92,688. Apparently. “The subject then dropped.” Would those proceedings be in your book?—I could not tell you.

92,689. What was the other way you said the League prevented crime? They did not endeavour to detect the criminal. What other way do you say? You say in every shape and form you prevented it?—If anything like it ever occurred we were always prepared to put it down.

92,690. Listen: “and prevented outrage in every shape and form”?—Well, I could not particularise anything.

92,691. Was that one of the shapes in which you endeavoured to prevent it?—I could not particularise anything at all.

92,692. Was that one of the shapes in which you endeavoured to prevent any outrage?—I do not know.

92,693. What were the others?—I do not know. I do not remember anything in particular.

Re-examined by Mr. R. T. REID.

92,694. With regard to this resolution on the 17th January with regard to organising secret committees (with friends, I take it), do you recollect whether that resolution was seconded?—I do not.

92,695. You do not recall it?—I do not think it was.

(*The President.*) It is not seconding it.

92,696. (*Mr. R. Reid.*) Yes, I observe that; but I want to know whether in point of fact it ever came to anything?—It never came to anything.



11 July 1889.]

DANIEL RYAN.

[Continued.]

92,697. Did the notice of motion ever come to anything?—It never came to anything.

92,698. Do you recollect whether Mr. Parnell said or did anything in reference to that notice of motion?—I have no particular knowledge.

92,699. You do not recollect?—I have no particular knowledge.

(*The Attorney-General.*) My Lord, I should like to remind your Lordship with reference to that extract read by Mr. O'Connor and read by Mr. Atkinson. It is one of those specially referred to at page 5526, on the note respecting alleged denunciation or steps taken to denounce crime.

(*Mr. R. T. Reid.*) It was with reference to the communication coming from another League.

PETER FLOOD sworn; examined by Mr. LIONEL HART.

92,700. You are, I believe, the Chairman of the Town Commissioners of Longford?—Yes.

92,701. And have been so for a period of over eight years?—Yes.

92,702. Do you remember the Land League being started in Longford?—Yes.

92,703. When was that?—About the middle of October 1880.

92,704. Did you hold any office in that League?—Yes, I was treasurer of it until it was suppressed in 1881.

92,705. After the Land League of 1881, was the National League started?—Yes, in January 1884 the National League was started.

92,706. Did you hold any office in that?—Yes. I have been president of it since it started.

92,707. And are you president still?—Yes.

92,708. Have you an acquaintance with the Leagues in your district as well as this particular one?—Well, yes, some.

92,709. What, in your opinion, has been the policy of these Leagues as far as crime and outrage has been concerned?—I think they have done a great deal in keeping down both. I believe they have done more in that way than the Coercion Act and the police put together.

92,710. Have they denounced crime?—Certainly.

92,711. By resolution?—Yes.

92,712. Frequently?—We have had a county meeting every year in Longford, and at every county meeting there is always a resolution passed denouncing crime and outrage; generally attended by two or three members of Parliament.

92,713. What was the class of people that joined the League?—Well, the shopkeepers, farmers, artizans, and labourers of the parish.

92,714. Generally the respectable people?—Yes, we never coerced any person to join the League.

Examined by Mr. DAVITT.

92,715. You were asked about crime in Ireland. You do not know anything about the relative amount of crime in Ireland and England?—No, Mr. Davitt.

92,716. Do you know that there are crimes committed in Ireland by landlords?—Yes, indeed I do, Mr. Davitt, and I think they are the great cause of crime in Ireland.

92,717. In Longford is there much sympathy between the people and the police?—Well, they get on pretty fairly together.

92,718. Would you say, with reference to Ireland, there is much sympathy between the people and the police?—No.

92,719. Would you say that arises from the belief that the police are the servants of the landlords, rather than the servants of the people?—Yes, I may tell you also that in the bad years of 1879 and 1880, when it was a general thing to give reductions in rent all over Ireland, we were rather unfortunate in the county of Longford, inasmuch as we had three or four very bad agents who were agents almost all over the county. On the Lord Hanley estate I remember in the year 1874 there was a tenant of the name of Cannon.

92,720. (*The President.*) This is not an answer to any question?—I beg your pardon.



11 July 1889.]

PETER FLOOD.

[Continued.]

## Cross-examined by the ATTORNEY-GENERAL.

92,721. I want to understand what are these crimes committed by landlords?—Well, I think when they charge a man so much rent and put him out unjustly, that is. I have known cases in the Land Commission where rents have been reduced about 70 per cent.

92,722. Let me just understand your answer, then I shall know what you mean when I come to deal with it afterwards. By crimes committed by landlords do you mean enforcing rent?—Enforcing unjust rents.

92,723. Who is to be the judge of the injustice?—It has been proved now by the Land Court.

92,724. That is what you refer to?—I know a case where they got 70 per cent. off in the county of Longford. On this Lord Hanley's property the average reduction has been over 40 per cent.

92,725. What year was it in which this reduction took place?—From say 1881 to 1886.

92,726. What is the year in which this reduction took place of 70 per cent.?—I am taking it over the whole. This is not an average reduction, but I have known it in some cases; perhaps it might be in 1883 or 1884.

92,727. I understood you to say you knew a case of a reduction of 70 per cent. When was it?—I have seen cases over 70, and I have seen them up to 60.

92,728. When was it?—Three years ago, perhaps.

92,729. Do you mean three years ago?—Yes.

92,730. How long is it since that tenant has been able to take the landlord into court, if so minded; since 1881?—A good many of them have been in arrear and could not go into court. They dare not go into court. If they went into court they were served with ejectments and turned out.

92,731. Do you know people in arrear turned out?—Yes, I have known them of my own knowledge.

92,732. What was the League of which you were treasurer?—The Land League.

92,733. What branch of the Land League?—The Longford branch.

92,734. Have you the books here?—I have most of them.

92,735. Have you their books with resolutions in them?—I have all the books of the National League I could find.

92,736. I asked about the Land League?—Yes.

92,737. Now be good enough to give me your attention. Have you got the books of the Longford Land League here?—I have not.

92,738. What office did you hold?—Treasurer.

92,739. When was it founded?—October 1880.

92,740. When did it continue up to? The time of the suppression?—I think some time in 1881 it was suppressed.

92,741. Did you keep books?—Yes.

92,742. Resolutions entered?—Yes.

92,743. Names of land-grabbers entered?—Well, I do not remember anyone expelled during the Land League time. If there was a man expelled he would be entered.

92,744. Now, just give me your attention, please. Will you undertake to say in these books, the names of land-grabbers were not entered?—Yes, if there was a man expelled.

92,745. Expelled for land-grabbing?—Yes.

92,746. By land-grabbing you mean taking an evicted farm?—Where the tenant was unjustly evicted.

92,747. If the League thought the tenant was unjustly evicted, the man who took the farm was called a land-grabber?—Yes.

92,748. Now, I put it to you; is it not the fact—I ask you to answer carefully—that in these books, during the end of 1880 and the year 1881 there were resolutions respecting people whom you call land-grabbers?—Well, I cannot say.

92,749. Will you swear there were not?—I will explain about those books.

92,750. Answer my question first?—There may have been.

92,751. When did you last see those books?—I have not seen the books of the Land League, I suppose, since the suppression of it.



11 July 1889.]

PETER FLOOD.

[Continued.]

92,752. What became of them?—The secretary of the Land League was a Mr. Gallagher; he is now living down in the north of Ireland. It was only on Saturday morning when I was busy at my market business, that I got word from Mr. Dillon's representative that I was to try and bring all the books I could find. I only had a couple of hours on Monday morning to look after these. I brought all I could get up. Mr. Gallagher has left, and lives in the north of Ireland.

92,753. I want to know; you have never seen those books since the suppression of the League?—Never—never thought of them.

92,754. Do I understand you that there are any resolutions of the National League denouncing crime?—Certainly.

92,755. Have you got them here?—Yes.

92,756. Just show me them, please. When did the National League begin?—October 1880.

92,757. The National League, please?—The National League—I beg your pardon—January 1884.

92,758. Let me have a look at the other books while you are finding that one?—This is the one, I think (*handing same to the Attorney-General*).

92,759. Just hand the other books down to these gentlemen. You have looked for this, I suppose?—I have just took a look over.

92,760. You have looked to find the resolution denouncing crime?—Yes.

92,761. You just took a look over?—Yes.

92,762. That is what you looked for?—I looked over the whole of them.

92,763. Is this the first you found?—Yes, I think so.

92,764. Is it the only one?—I think so; I am not sure but there is another.

92,765. Whose handwriting is that in?—A Mr. Wilson's who was secretary then.

92,766. I call your attention to the 18th of October 1855:—

“ The secretary read the following resolutions, which were seconded by  
 “ Mr. R. Nawd, and passed *nem. con.*, ‘ That we offer to Messrs. James, John, and  
 “ ‘ Charles Newman, and J. Kenny, of Cloomallagh, members of this branch, the  
 “ ‘ expression of our sorrow for the injuries they sustained in the murderous  
 “ ‘ assault committed on them in this town on the 11th instant, and we hope that  
 “ ‘ the authorities will do all in their power to bring to punishment the perpetrators  
 “ ‘ of this disgraceful outrage.’ ”

—Yes.

92,767. As regards James, John and Charles Newman, how had the assault arisen?  
 —There was a county demonstration held on this day. Some parties I suppose had something against them, and they gave them a severe beating.

92,768. In the county demonstration?—When the demonstration was over, on their way home.

92,769. A public meeting had been held?—Yes.

92,770. And as they were going home some people assaulted them?—Yes, it was a dispute which arose out of a farm.

92,771. They were members of the Branch?—They were.

92,772. And they were assaulted?—Yes.

92,773. There had been a dispute?—Yes.

92,774. Was J. Kelly the same?—Yes.

92,775. Of Clonvallyagh?—Yes.

92,776. How had the dispute arisen about the farm?—Mr. Wilson the secretary then had held a farm, and he wanted to dispose of it, he put it up for auction, as he had a right to do, I suppose, and the agent, because, I suppose, he was a Nationalist, had served him with a notice claiming the farm at 150*l.* Mr. Wilson ignored this notice, went on and sold the farm for 350*l.* The matter was tried before the Sub-Commissioner, and Mr. Reeves decided that the proper value of the farm was what it brought in the open market from a solvent tenant, able to work and pay for the farm. It was the Newmans who bought the farm from Mr. Wilson, the other party went and made a compromise with the agent after paying 350*l.* to Mr. Wilson, and they took this farm, and so there was a jealousy between them then, of course, as regards the farm.

92,777. A jealousy between them because of the farm, and that was the row?—That was the row; Yes.



11 July 1889.]

PETER FLOOD.

[Continued.]

92,778. I suppose such a row is not uncommon in Ireland?—It is very uncommon now, I may tell you.

(*The President.*) I understand you that this assault was made on members of the League?

(*The Attorney-General.*) Members of the League; Yes.

92,779. Then I want to read the next resolution, the one the gentleman has kindly folded down for me, on the same date apparently:—

“ That the members of this branch of the Irish National League are opposed  
“ to the commission of outrages; that they are convinced that no member of the  
“ League would countenance or connive at the crimes of rick-burning or cattle  
“ maiming, as they are well aware that the owners of property so injured or  
“ destroyed are always most liberally compensated at the expense of the rate-  
“ payers.”

Do you remember that resolution?—Yes.

92,780. I daresay you proposed it?—No, I did not.

92,781. You were a party to it?—Yes.

92,782. The reason is, that the owners of property so injured or destroyed are always most liberally compensated at the expense of the ratepayers?—Yes, certainly, that is the fact.

92,783. That is the fact, I understand?—Yes.

92,784. That is the objection the members of the National League have to it?—No, indeed it is not; it is one of the objections we have to it.

92,785. You have been good enough to bring these books. We will look them through. I want to understand; who did you get these books from?—On the Monday morning before I started, from the Secretary and Treasurer.

92,786. How did you know you were going to be asked any questions about denouncing outrage?—Mr. Dillon's representative told me to bring any books I had connected with the Branch.

92,787. Have you got the letter, or was it a verbal representation?—Yes.

92,788. Did he write to you or tell you?—I met his representative at Longford on Saturday.

92,789. What was his name?—Mr. Hickey.

92,790. How did you come to get these books?—I went to the Secretary and got any books he had. I went to the Treasurer. I was not very busy for the last couple of days, and I looked them through to save your time.

92,791. I am much obliged to you, and you succeeded in finding that?—There is another one folded down I think.

92,792. We will look at it. Let the book be marked, please. Did you put a mark in?—No, sir, I have not.

92,793. Do not take those marks out, because I am rather curious about some other resolutions. Just find me the other one against outrage, please. Have you folded it down for me?—I will have, yes.

92,794. I see the page folded down?—There is one there, that is on something else; that is the only one, this has to do with another business.

92,795. The only one you have found was that one you were good enough to fold for me before?—Yes.

92,796. This is 1886, I see:—

“ Meeting, Sunday, December 5, 1886. Mr. Flood, president, in the chair.

“ Proposed by Mr. J. P. Farrell, that we, the members of the Longford Branch

“ of the Irish National League tender to the members of the Newtown-Cashel

“ Branch our sympathy in the prosecution to which they have been subjected, for

“ merely endeavouring to retain possession of their humble homes.”

It does not occur to me as bearing upon the question I am asking you?—It is the further one, it is not exactly one condemning crime; it is something else.

92,797. Do you wish it read?—Well, if you like, sir.

92,798. —

“ Proposed by Mr. O'Hanlon, seconded by Mr. Towlan, that a subscription

“ list be opened to provide works, give employment to the poor in winter, and to

“ promote suitable walks and plantations about the town.”

— Well, I think that is a good one, sir.



11 July 1889.]

PETER FLOOD.

[Continued.]

92,799. Now, you know I have asked you particularly about those books of 1880, and the resolutions about land-grabbing which you say there may have been?—In my opinion, but I am not so positive.

92,800. Your opinion is, there may have been?—I do not think there is. I will not be positive.

92,801. Your opinion is, there may have been?—Well, I do not believe there is.

92,802. Your opinion is, there may have been?—It was only about a year in existence, and I do not think there is one.

92,803. They were more moderate, were they, then?—Well, pretty much the same.

92,804. Just listen to this:—

“June 27th, 1886. Proposed by Messrs. J. Nelson and R. Nawd, and  
“unanimously resolved, that as Thomas J. Connell has acknowledged his intimate  
“association with men expelled from this branch for land-grabbing, his name be  
“now erased from the roll of members, and his subscription returned.”

Do you remember that being passed?—Yes, I do.

92,805. He had been a member, I suppose?—Yes.

92,806. What were the consequences of being expelled?—Just nothing, except to expel him. We never coerced anyone to join the League, and when they joined we wished them to act up to the rules, and if they did not we expelled them, and there was no more about it.

92,807. I remind you of this, with reference to what I asked you about the earlier books; the date of this, apparently, is the 31st of October 1886:—

“That we, the members of the Moyden Branch of the Irish National League,  
“hereby condemn the action of the meadow and grass grabbers, and in particular  
“the conduct of persons holding Bawn Farm, from which the tenant was unjustly  
“evicted, namely, Mr. C. Clyne, Longford, James Hegarty, Longford, and  
“Thomas Fee, Longford, and William Farrell, Bawn. A resolution passed by  
“Clonguish Branch in connexion with the pig fairs in Longford was also  
“unanimously adopted.”

92,808. Do you know those gentlemen said to be meadow and grass grabbers; do you know how long the previous tenant had been in arrears in that case?—There were no arrears at all there.

92,809. They would not pay the rent?—No, but if they were evicted before the Land Act passed it would save them.

92,810. They would not pay the rent?—They were well able to pay it, but they were put out; he went into court, and it was held to be a residential holding.

92,811. They were well able to pay it?—A well-to-do man, and willing; he owed nothing. It was made out to be a residential holding.

92,812. Was he evicted for nonpayment of rent?—Not at all.

92,813. What was he evicted for?—After the passing of the Land Act the tenant went into court to get a rent fixed, and the Commissioners held that it was a residential holding, and did not come under the Act.

92,814. Then the tenant was evicted for nonpayment of rent?—Not at all.

92,815. What was he evicted for?—On notice to quit.

92,816. Evicted on notice to quit?—Yes.

92,817. Evicted on notice to quit, the farm being re-let again, the men are treated as grabbers for having taken that farm?—Yes.

92,818. That is your idea of freedom of action?—Yes; but I may tell you that those men were members of the National League, and never suffered any interference from the League or from any member of it.

92,819. Up to 1879 Longford was singularly free from crime, was it not?—Not as free as it is at present.

92,820. Be good enough to answer my question. I will come to that directly. Up to 1879 had it not been singularly free from crime?—I think a few years before that there was a landlord fired at.

92,821. Will you answer the question?—It was not free.

92,822. Do you know whether in the year 1878 there had been a case of intimidation at all. I give you the total crimes in 1879, the bad year; agrarian crimes, 16; in 1880, 31; in 1881, 86; in 1882, 108?—If you were living in Ireland you would



11 July 1889.]

PETER FLOOD.

[Continued.]

know what those things mean. Posting threatening notices and things, and that we condemned frequently.

92,823. I am giving these quite separate from threatening notices. I am dealing with the actual cases of intimidation, incendiary fires, injuries to property, firing into dwellings. What I want to understand is this: did the Land League, as far as you know, take any steps to try to find out who were the criminals who were doing these acts?—As far as my branch was concerned, there is not a member of it who would not do what they could to detect crime.

92,824. Did they ever give information to the police as to who the people were who committed these outrages?—I do not think they ever knew who did it.

92,825. And never took any steps to find out?—They did not exactly go to the police, I suppose; there were plenty of police to look after them there.

92,826. You say that the Land League numbered the greater part of the people in the place?—We had about 260 in the branch altogether.

92,827. Out of how many people?—The population of the town of Longford is about 4,500.

92,828. I am not speaking of Longford, but I am speaking of other branches also?—I am only speaking of my own branch.

92,829. Not of any other?—No.

92,830. Can you suggest anything that one of the branches did, that came to your knowledge with a view to trying to get the criminals discovered?—I do not remember.

92,831. You would not think that the members of the League ought to act as detectives, I understand?—No; I may tell you that if I caught a man committing a crime myself I would prosecute him, and I think the majority of the branch I belong to would do the same.

92,832. But if they knew of information they would not go and give it to the police in order that the man might be detected?—I think that would amount to the same thing that I have said, that a man would prosecute another if he had information.

92,833. You think they would do that?—Some of them would.

92,834. Can you tell me any case in which such a thing was done?—I do not know of any.

92,835. Can you tell me in this book or the earlier one of any resolution asking the people to aid in the detection of crime?—I think not.

Re-examined by Mr. REID.

92,836. Is there in Ireland a distrust of the police, whether it is founded rightly or wrongly, I mean an opposition to the police, in consequence of evictions and from other reasons?—Yes.

92,837. And is there also, whether it is right or wrong, a distrust about the administration of justice?—Certainly.

92,838. And do you consider that those things contribute to prevent persons from giving information to the police or proceeding in courts of justice?—Yes.

92,839. You have been asked with reference to crime and denunciations of crime. In the first place as to crime. My Lord, the Attorney has put entries of crime in Longford. It appears that in Longford crime rose, as the Attorney-General stated it, but evictions also increased, and the number of families evicted, beginning in 1878, were as follows: 24 in 1878, 45 in 1879, 63 in 1880; families evicted, 232 families evicted in 1881, and 238 families evicted in 1882. Therefore the crime progressed proportionately with the evictions. You have referred to one or two instances of crime and denunciations of crime. In the ambit of your particular branch were there many serious crimes perpetrated?—No, I do not remember any; of course, as I mentioned awhile ago, these resolutions were passed at a county demonstration of people from Roscommon, Leitrim, and Westmeath, all gathered in Longford. I think it is better to pass a resolution denouncing crime and outrage there than at a small branch meeting.

92,840. The resolutions you refer to were passed at a public meeting?—What we call a county demonstration; it is held every year, in the month of October.

92,841. Before the Land League or National League were successful was there Ribbonism in Longford?—Yes, some.



11 July 1889.]

PETER FLOOD.

[Continued.]

92,842. As far as you know has Ribbonism and secret societies been destroyed?—I think so.

92,843. (*The Attorney-General.*) I must be allowed to ask a question upon this. I did not understand it to arise out of my cross-examination about the Ribbonism. Do I understand you to suggest that you yourself knew of these Ribbon Societies?—I did not know of them; I suspected part of it.

92,844. It is put to you as a fact that Ribbon Societies existed in Longford. Do you know it?—I have no doubt they did.

92,845. And you thought that Ribbon Societies were at the bottom of the outrages in 1880, 1881, and 1882?—I would not say that.

92,846. I wish to know; do you represent to my Lords, and I ask you to answer carefully, that you think that the Ribbon Societies were at the bottom of the outrages in 1880, 1881, and 1882?—I think they would be slightly, if there were any at all.

92,847. It is a plain question. I have called your attention to a certain increase of crime. Do you represent, or not, that those crimes were caused, in your belief, or no, by Ribbon Societies or any secret societies?—I could not say; I never belonged to any secret societies myself, and I know very little about it.

92,848. Do you believe they were occasioned by them?—I know they often committed—

92,849. Do you believe that in Longford they were occasioned by them?—Yes, I should not be surprised if they had something to do with them.

92,850. I did not ask you whether you would be surprised or not?—I would not answer one way or the other.

92,851. (*The Attorney-General.*) There is a matter I had not proved; probably I shall be able to get it from this gentleman. Do you remember a meeting in Keenagh in county Longford on 7th of November 1886?—I do.

92,852. Were you there?—Yes.

92,853. I refer to page 276 and 277. Do you remember Mr. John Dillon's speech?—I recollect hearing him speak, but I do not remember a word of it now. I had a shop and farm to look after, and could not be thinking of those things very much.

92,854. Just let me read this to you, and ask you whether you heard Mr. Dillon say this. It is a speech which I undertook to prove, I see, at page 4694 as well. It occurs at both places. Just listen to this, Mr. Flood, and say to the best of your opinion, is not this a fair report of what Mr. Dillon said.

(*Mr. Lockwood.*) Was he there?

(*The Attorney-General.*) He has already said so.

(*The Witness.*) Oh, yes. I have been there.

92,855. (*The Attorney-General.*)—

“If Lord Annaly or Colonel King-Harman believed for one moment that  
“you, the people of Longford, would follow out the policy which we recommend  
“to you and not betray each other, and would take no terms one man that was  
“not given to all, I say, if they believed that to-morrow you could fix your own  
“rent.”

Do you remember his saying that?—I do not; I could not be sure that I do.—I may tell you, sir, I have not been in very good health for the last three or four years, and what he said then gave me very little concern.

(*Mr. Lockwood.*) My Lords, if the witness has no recollection of the speech, how can this be put?

(*The President.*) I have several times said that, but still the Attorney may endeavour to refresh his memory.

(*Mr. Lockwood.*) I do not bear this speech in my mind at this moment, but the Attorney-General must not take the opportunity of getting this speech on the notes by reading it to this witness.

(*The Attorney-General.*) I am sure Mr. Lockwood would not make such a suggestion.

(*Mr. Lockwood.*) I suggested something you should not do.

(*The Attorney-General.*) I opened this speech, and of course I am prepared to prove it by calling back the witness whose name was given, Sergeant O'Rorke. A copy of the speech has been given to my learned friend. All I want is that it may not be said against me afterwards that I had not proved the speech as I undertook to do, and having this gentleman here—an intelligent witness—I was desiring to ask him whether



11 July 1889.]

PETER FLOOD.

[Continued.]

he remembered this language, because if necessary I could call back the reporter for the purpose.

(*The President.*) At present you have not proved it.

(*Mr. Lockwood.*) I am told by one of my learned friends—he is my authority—that this was a speech which, in the opening of the Attorney-General, came rather within the scope of the Plan of Campaign.

(*The Attorney-General.*) May I call attention to page 4694. On that page I read this speech to Mr. O'Brien, and said this, "The statement I am about to read to you from "Mr. Dillon's speech (which I will undertake to prove, and which I referred to when "I opened the case)."

(*Mr. Lockwood.*) Then that would be beyond the speeches as to the Plan of Campaign.

(*Mr. T. Harrington.*) The speech itself shows that it is, because the speech itself mentions the Plan.

(*The Attorney-General.*) I cannot take that.

(*The President.*) It does not seem likely you will get it from this witness.

92,856. (*The Attorney-General.*) I will just read one word more. Conceding your ill-health, just try and recollect whether this is what Mr. Dillon said?—I would not. I am at the best of times bad at remembering speeches.

92,857. I will only read one more passage. I do not think you will forget this:—

"If in the South of Ireland the landlords are very gentle—not all of them,  
"but a great many of them, and those the biggest fish—and are giving good  
"reductions on the judicial rents, while, I am sorry to say, that the landlords  
"here won't give a reduction on the old rents even. Well, now, who have you  
"to blame for that? Yourself and no one else. If you organise in the county,  
"if you did as the Kerry boys did."

Do you remember that?—I do not.

(*The President.*) It is no use following this up.

(*The Attorney-General.*)—

"I don't mean to say by that I want you to become Moonlighters."

(*The President.*) I say it is no use following this up.

(*The Attorney-General.*) I quite follow your Lordship.

(*Mr. Lockwood.*) I find that this speech is set out on the note at page 282. I am not going to ask this gentleman about it.

(*The President.*) Are we to take it as the speech?

(*Mr. Lockwood.*) It is here, my Lord, on the note.

(*The President.*) Very well; I take that on my note.

(*Mr. Lockwood.*) It is only in justification of what I said just now. It alludes in conclusion to the Plan of Campaign. I am only mentioning this to your Lordships and to my learned friends to justify the interruption that I made just now.

(*The Attorney-General.*) My learned friend need not justify it. I am quite sure he would be fair; as far as the Plan of Campaign is concerned, I do not want to go into it; but with reference to what was taught by the leaders, I certainly do not withdraw it.

Mr. JOHN HAMMOND sworn; examined by Mr. LIONEL HART.

92,858. Are you a justice of the peace of the borough of Carlow?—Yes.

92,859. A poor law guardian and chairman of the Town Commissioners there?—Yes.

92,860. Do you remember when the Land League was established in Carlow?—I think some time about October 1880, or perhaps the latter part of the year 1880, I should say.

92,861. Did you hold any office in it?—Yes, I was president of the Land League in Carlow.

92,862. How long were you president of the Land League?—Until the suppression of the League in Carlow.

92,863. When was that?—I mean the suppression of the League in Ireland; I suppose in the fall of the year 1881.

92,864. After the Land League was suppressed was a branch of the National League established in Carlow?—Yes.

92,865. When was it, do you remember?—Soon after it was formed in Dublin. I could not particularise it.



11 July 1889.]

JOHN HAMMOND.

[Continued.]

92,866. Somewhere in 1884?—Somewhere about that.

92,867. Did you become a member of the National League?—Yes, I became a member of the National League.

92,868. Did you hold any office there?—No, I did not.

92,869. What, in your opinion, in your experience, has been the effect of the National Land League as regards crimes and outrages in the neighbourhood of Carlow?—I think the operation of the National League contributed very much to the suppression of crime and outrage.

92,870. Did you pass any resolution denouncing outrage?—Not so; there were no crimes or outrages in Carlow as far as I know.

92,871. What was the class of people that joined the League?—The branch of the National League, and the Land League, in Carlow comprised two portions, one an urban district—the town and urban district—the other a rural district, including the parishes of Kinrylan and Paluiry.

92,872. What kind of people joined the League?—The shopkeepers of the town of Kinrylan, professional men of the town of Kinrylan, and the farmers of the rural district.

92,873. I may say chiefly the respectable people?—Chiefly the respectable people of the whole district.

Examined by Mr. DAVITT.

92,874. Have there been any evictions in that part of Carlow?—Not so; I do not remember.

92,875. There has been no agrarian crime?—No.

Cross-examined by Mr. ATKINSON.

92,876. Really are you saying there have been no evictions, or are you just answering by rota?—I do not remember any in the neighbourhood of Carlow; this gentleman asked me in the district of Carlow.

92,877. What place are you speaking of?—The district of Carlow, the vicinity of Carlow town.

92,878. Will you extend that outside the town?—I speak of the portions covered by the local branch, I speak of the two branches, Carlow and Kinrylan.

92,879. How far does that extend?—A radius of 4 miles.

92,880. There have been no evictions?—Not that I can call to mind.

92,881. There was not any crime during the Land League?—Not that I am aware of.

92,882. In any sense?—No.

92,883. No evictions?—No.

92,884. How do they prevent crime?—The people I suppose were peaceably disposed.

Mr. WILLIAM FOLEY sworn; examined by Mr. ARTHUR RUSSELL.

92,885. Are you chairman of the Nenagh Town Commissioners?—Yes.

92,886. And manager of the Munster and Leinster Bank in that town?—Yes.

92,887. Was there a Land League in Nenagh?—Yes.

92,888. Were you a member?—Yes.

92,889. Did you hold any office in it?—No.

92,890. Was there a National League there?—Yes.

92,891. Did you hold any office in that?—No.

92,892. What sort of people joined the League in Nenagh?—All the respectable people, five-sixths of the inhabitants of Nenagh I should think. I should say about that; I have no personal knowledge of the number.

92,893. What is your personal opinion as to the effect of the League; did it lend to prevent crime?—Certainly, it prevented crime, undoubtedly.



11 July 1889.]

WILLIAM FOLEY.

[Continued.]

## Cross-examined by the ATTORNEY-GENERAL.

- 92,894. Do I understand you are the bank manager?—Yes.
- 92,895. You had never anything to do with the Land League, or the National League?—I am a member at present of the National League.
- 92,896. When did you join?—About two months ago.
- 92,897. You had nothing to do with the Land League?—Never.
- 92,898. Or the National League, until two months ago?—No.
- 92,899. (*The President.*) I understood him to say that he was a member of the Land League?—I made a mistake if I said that.
- 92,900. (*The Attorney-General.*) When you said you were a member you referred to having joined two months ago?—Yes.
- 92,901. You had nothing to do with the Land League?—I was not in Nenagh at the time.
- 92,902. Did the Land League keep an account at your bank at the time?—They did.
- 92,903. That bank of course would have the money passed through?—I daresay.
- 92,904. Of course you have nothing to do with the resolutions, or the passing of resolutions by any branches of your League when you are not a member?—No.
- 92,905. When did you go to Nenagh?—In November 1886.
- 92,906. Let me just understand this; your evidence as you have given it in general terms to Mr. Russell, as to the Land League preventing crime, is with reference to what you have seen there since 1886?—Yes.

## Mr. JOHN LOFTUS ROBINSON sworn; examined by Mr. TIMOTHY HARRINGTON.

- 92,907. You are chairman of the Kingston Commissioners?—Yes.
- 92,908. And also a member of the Dublin Corporation?—I am.
- 92,909. Will you tell their Lordships what you are by profession?—I am an architect and civil engineer by profession.
- 92,910. You have for a considerable time taken an interest in Irish politics, and you were a member of Mr. Butt's organisation?—I attended a convention at the Rotunda which was summoned by Mr. Butt in 1881 which lasted for three days.
- 92,911. When?—The latter end of 1880 or the beginning of 1881. I had the card of admission, and I looked for it yesterday, but I could not find it.
- 92,912. I do not think you had any connexion with the League?—No, I was not a member of the Land League.
- 92,913. You are a member of the National League?—I was a member of the National League very shortly after its foundation.
- 92,914. And a member of the central branch of the Land League?—Yes.
- (*Mr. T. Harrington.*) I should explain to your Lordships that the central branch is a different organisation from the executive, it is a branch in Dublin to provide public meetings for the expression of the opinion of the executive.
- 92,915. Since your connexion with the National League you have an intimate acquaintance with the branches of the National League in Dublin, and have attended several meetings?—I have attended several meetings in North and South County Dublin.
- 92,916. Would you state to their Lordships what you have seen the chief exertions of the National League directed to?—Well, in the County Dublin the National League devotes its principal energies to registration.
- (*The Attorney-General.*) Is this King's County?
- (*Mr. T. Harrington.*) No, Dublin and Kingston in Dublin County.
- 92,917. Are you aware of your own knowledge that a large proportion of the funds of the National League in your county have been expended in registration?—Yes, the greater part of the funds.
- 92,918. Does that apply to the funds of the local branches as well as to the funds of the central branch?—The funds of the local branches have been supplemented from the central branch in order to aid the work of registration.
- 92,919. And their efforts in connexion with registration comprise Parliamentary, municipal, and poor-law representation?—Yes.



11 July 1889.]

JOHN LOFTUS ROBINSON.

[Continued.]

92,920. At any of the meetings you have attended, at either the central branch, or the local branches, have you ever heard any expression of sympathy with crime or outrage?—None whatever.

92,921. Have you heard expressions of condemnation of crime and outrage?—Well, the occasion never arose; there was no agrarian crime in the county of Dublin that I am aware of.

(*Mr. T. Harrington.*) That is all I have to ask you.

Examined by Mr. DAVITT.

92,922. Your profession takes you over a good deal of Ireland?—Sometimes. My practice principally lies about Dublin.

92,923. Do you know the social condition of the Irish peasantry very well?—Yes.

92,924. You are aware that a large number of evictions have taken place during the last 10 years?—I am.

92,925. And you possibly know that the Irish peasantry cling lovingly and tenaciously to their homes?—Yes, more than any other people.

92,926. You are probably aware their homes are built by themselves?—Yes.

92,927. And not by the landlord?—Yes, invariably.

92,928. You are also possibly aware that when they are evicted from their holdings for a debt to the landlords they are taken out of their own homes?—Yes, and the houses pulled down.

92,929. Do you believe this leads to outrage and crime?—Undoubtedly it does.

(*The Attorney-General.*) I have no question.

Mr. ROBERT SWEENEY sworn; examined by Mr. LIONEL HART.

92,930. You reside at Ballyshannon, and are a justice of the peace for the county of Donegal?—Yes.

92,931. And chairman of the Town Commissioners?—Yes.

92,932. Do you remember the Land League being established in the district?—I do, principally what it was in our district of Ballyshannon.

92,933. Do you remember its suppression?—Yes, I do generally; when the notice suppressing it was published.

92,934. Were you a member of the National League?—No, I was not; never.

92,935. What was the kind or class of persons that joined the National League in your district?

(*The Attorney-General.*) Are you a member?

—They were generally the respectable class of persons in the town and neighbourhood.

92,936. In your opinion, had the work of the National League in your district any deterrent influence on the crime and outrage in your district?—I believe it tended considerably to ward off crime.

Cross-examined by Mr. ATKINSON.

92,937. How, may I ask you?—When the League was in existence.

(*Mr. Atkinson.*) Perhaps it is scarcely worth while.

(*The Attorney-General.*) You may go down, Mr. Sweeney.

Re-examined by Mr. LIONEL HART.

92,938. Mr. Atkinson has asked you a question, and I want to get your explanation. How did the Land League ward off the commission of crime and outrage?—When the Land League was in existence I believe that the tenant farmers in the neighbourhood appealed to them, and consulted with them about their cases, and that they advised them to interview their landlord and see and get a reasonable reduction of rent in a constitutional manner; and further, the existence of the League in the district, I believe, tended to the landlords conceding their reductions more generally than if there was not a League in the town.



11 July 1889.]

EDWARD HUGHES.

[Continued.]

Mr. EDWARD HUGHES sworn; examined by Mr. LIONEL HART.

92,939. You are, I believe, a miller in a very large way of business in Belfast?—Yes.

92,940. You are a member of the National League?—Yes.

92,941. How long have you been a member?—Since it was started.

92,942. You are a justice of the peace, I believe?—Yes.

92,943. Do you hold any office in the National League?—Vice-president.

92,944. How long have you held it?—Since the National League was established.

92,945. In your experience, Mr. Hughes, has the National League had a deterring influence on the commission of crime and outrage in your district?—I do not think there was any crime or outrage in our district.

92,946. It tended to that effect?—To the suppression of crime and outrage; it educated the people up to take a better constitutional method.

92,947. What was the class of people who joined the League in your district?—Why everyone joined it.

92,948. Respectable people joined it?—Respectable people joined it.

Cross-examined by the ATTORNEY-GENERAL.

92,949. I understand that your district is Belfast?—Yes.

92,950. Which happens to have about half a million people in it?—No, not so many as that, 240,000.

Mr. THOMAS JOSEPH CONDON, M.P., sworn; examined by Mr. ARTHUR RUSSELL.

92,951. What is your constituency?—Tipperary.

92,952. Do you reside at Clonmel?—Yes.

92,953. You are the chairman of the Poor Law Guardians in the Clonmel division?—No, I am not, I am a member of the Board.

92,954. You are also an alderman of the borough?—Yes.

92,955. And Mayor of Clonmel?—Yes.

92,956. And vice-president of the National League?—Yes.

92,957. You have just been re-elected member, I believe?—So I have been informed to-day.

92,958. Were you a member of the Land League?—No.

92,959. For how many years have you been engaged in political life?—Since 1868.

92,960. Were you a Fenian?—I was.

92,961. When did you give up Fenianism?—In 1876, I think.

92,962. When did you next take part in political life at all?—After the suppression of the National League in Clonmel.

92,963. The Land League you mean?—The Land League; I was mainly instrumental in forming a body called the Suspects Sustentation Association.

92,964. That was for providing sustentation to the suspects under Forster's Act?—Quite so.

92,965. Did you have anything to do with the organisation of the National League in Clonmel?—Yes.

92,966. Personally?—Yes, personally, I think I was chiefly instrumental.

92,967. Did men of the south join?—Every class of the Clonmel community is represented in the Clonmel branch of the Land League, priests, professional men, merchants, traders, artisans, farmers, labourers, all classes are included.

92,968. Have you found your business at all affected by your support of the National League there?—Very much so.

92,969. When?—In 1883 a meeting was held in Clonmel attended by Mr. Michael Davitt, who was the principal speaker; and I was one of the principal promoters of that meeting.

92,970. Was that a meeting to support the National League?—Yes, and the week after the meeting was held several persons who had been dealing with me in business in Clonmel sent in their pass books immediately and severed their connexion with my business house.

92,971. On the ground that you took up with this League?—Yes, most certainly.

92,972. (*The President.*) What is your business?—Butcher and cattle dealer; and that has continued since.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

(*Mr. A. Russell.*) You have made, I presume, a great many speeches since 1883 when you started the National League?

(*The Attorney-General.*) 1881?—1883.

92,972a. (*Mr. A. Russell.*) Have you made a great many speeches?—Not a great many; not so many as some of my friends, but I have made a number of speeches.

92,973. Has there been present a Government reporter when you have made the speeches?—Invariably.

92,974. Have any of your speeches been put in here?—I am not aware of any.

(*Mr. A. Russell.*) My Lord, this witness is also referred to in the evidence of Mr. Robert Richard Mitchell, page 2795. What he stated was this—

(*The President.*) I remember it.

92,975. (*Mr. A. Russell.*) You know what has been stated here about you by the witness Mitchell?—I do.

92,976. Is there any truth or foundation for that statement?—No foundation for it whatever; I never saw Mr. Mitchell. He was pointed out to me—a man was pointed out to me in London—as being the man who gave evidence before your Lordship's Court, and I may say if he confronted me at this moment in the witness box I would not know him.

92,977. One other question; have you ever been connected with, or had any complicity with crime and outrage?—Most certainly not.

Examined by Mr. DAVITT.

92,978. Being a Tipperary man, you are very well acquainted with the history of your county?—Fairly well.

92,979. You remember a number of serious agrarian outrages occurred there some years ago?—I do.

(*The Attorney-General.*) What year?

92,980. (*Mr. Davitt.*) I think 1867. Do you know if any serious agrarian crime has occurred in Tipperary during the last 10 years?—Well, not to my knowledge. I can certainly state from my acquaintance with my own particular district that there was not any serious agrarian crime or outrage in Tipperary.

Cross-examined by Mr. ATKINSON.

92,981. How long have you been engaged in political life in Tipperary?—Since 1868; well, of course there were some three or four years during which I took no active part in the political life of Tipperary; that is from the time of my severing my connexion with the Fenian organisation to the formation of the Suspects' Sustentation Association in Clonmel.

92,982. Were you sworn in as a Fenian?—No.

92,983. Did you attend the Fenian Brotherhood?—I did.

92,984. Were you admitted without an oath?—I was.

92,985. Where were you admitted?—In Clonmel.

92,986. By whom?—Well, by a gentleman who has no connexion either directly or indirectly with this inquiry and whose name has never been mentioned in connexion with it.

92,987. About what date was it?—I should think it was in the autumn of 1868; I should say about October or November 1868 as far as my memory serves me.

92,988. When did you say you severed your connexion with it?—In 1876.

92,989. How did you sever your connexion with it?—Well, simply I told some of my Fenian friends I did not think the Fenian organisation as I knew it at that time, after my experience, was calculated to effect the object it had in view, and consequently I did not see my way to continue a member any longer.

92,990. Is that the only way?—That is the only way.

92,991. Who were the friends you said this to?—To my Fenian friends in Clonmel.

92,992. Was it at any meeting of the Fenian body?—No.

92,993. Or the executive of the Fenian body in any way?—No.

92,994. You were well acquainted with the members of the Fenian body in Tipperary?—I knew a great many scattered throughout the country, but I did not know the body generally through the country.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

92,995. Were you a centre yourself?—No.

92,996. Do you remember the time of O'Donovan Rossa sitting for Tipperary?—I do distinctly.

92,997. When was that?—It was in November 1869.

92,998. He had previously been convicted?—He had.

92,999. Was he then in prison?—He was.

93,000. Were you an active canvasser for him?—I was a member of O'Donovan Rossa's Election Committee in Clonmel and worked very earnestly, and did all I could to secure his election.

93,001. And that was, when?—In 1869.

93,002. And you became acquainted, I suppose, with his supporters through the country?—I should say with the prominent supporters.

93,003. Among the Fenian body?—Yes.

93,004. When did you yourself stand?—I think it was in 1885.

93,005. Do you remember conducting a meeting in August 1885 at Mullinahoon?—I do not.

93,006. Do you remember calling a meeting in reference to the late Mr. Charles Kickham?—I do not.

93,007. Were you present at such a meeting?—Where?

93,008. In Tipperary?—I was at a meeting. I think if you specify what the meeting was I shall be able to answer you. I was at several meetings in connexion with Mr. Kickham's name in Tipperary, and if you specifically state—

93,009. Are you unable to apprehend what I mean?—I am decidedly; I attended so many meetings.

93,010. In 1885 did you at Mullinahoon hold a meeting in reference to Mr. Kickham?—The only meeting I remember attending in Mr. Kickham's name in Mullinahoon was at his funeral; that was the first connexion with Mr. Kickham's name. I attended Mr. Charles Kickham's funeral in Mullinahoon.

93,011. When was that?—I do not know the exact date.

93,012. What year?—I do not know; if it is necessary I can hunt up the files of the newspaper and give it to you.

93,013. Did you not attend a meeting in August 1885 to perpetuate the memory of Charles J. Kickham?—I did.

93,014. Why did you hesitate answering?—I attended one before it, and I wanted it exactly specified.

93,015. How long after?—I think that was the anniversary of his funeral.

93,016. Did you not understand, when I asked you, whether you had held a meeting in August 1885 in reference to Kickham; did you not understand?—No, most certainly not; you asked me if I convened a meeting.

93,017. Attended?—I did attend.

93,018. Was there a large gathering of the Fenian Brotherhood there?—I do not know whether there was or not, I was not a member of the Fenian organisation at the time.

93,019. You told me what, while you were a member and canvassing for O'Donovan Rossa, you had become acquainted with the Fenians of the county of Tipperary?—Yes, I should think so, with the representative men there.

93,020. Did you see members of this body at the meeting in 1885?—Some of them.

93,021. Very many?—Not very many; I saw some of them.

93,022. Prominent men?—Yes.

93,023. Mr. Kickham was himself a Fenian?—Yes, he was.

93,024. And died without having severed his connexion with the body?—I do not know.

93,025. What is your opinion upon that?—My opinion is that he died without severing his connexion, but I did not know it.

93,026. Was not that a meeting of the Fenians of the county of Tipperary?—It was not.

93,027. Practically?—Most certainly not.

93,028. Now soon after that, did you know P. N. Fitzgerald?—Yes.

93,029. Was he present at that meeting?—Yes.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

93,030. Was he a Fenian?—Well, by repute I knew him as a Fenian, but not otherwise.

93,031. And a prominent organiser?—I do not know.

93,032. Are you able to form an opinion whether P. N. Fitzgerald was a prominent Fenian?—Not from any actual knowledge of my own.

93,033. Have you any belief on the subject?—I have a belief on the subject; I believe he was a Fenian.

93,034. A prominent organiser of the Fenian body?—I have no reason, no knowledge to ground an opinion on beyond what the general public has.

93,035. Have you heard that he was?—I have.

93,036. Was John O'Leary a Fenian?—I heard he was.

93,037. Did he address that meeting?—He addressed one meeting at Mullinahoon. I cannot fix the date.

93,038. Address the meeting in reference to Kickham?—I was at three meetings. I was present at the meeting which O'Leary addressed.

93,039. Were there any other delegates from Dublin addressed them?—I think there was a gentleman named McCarthy Teeling addressed the meeting.

93,040. Do you know any people that took a prominent part in that demonstration that were not Fenians?—Well, except the contingent which came from my own town, I cannot speak, for I knew thousands of my Tipperary friends who I believe not to be Fenians, whom I had never known to be Fenians.

93,041. Who attended?—Yes, who were present at that meeting.

93,042. Who took a prominent part in it?—Well, I do not know what you mean.

93,043. On the platform?—I know several on the platform who to my knowledge were never Fenians.

93,044. Can you give me their names?—Well, I would rather look up the newspaper report; I can get that for you.

93,045. Was that a short time before you became a candidate yourself?—It must have been, because in 1885 I was elected.

93,046. That is August 1885?—I say it must have been.

93,047. Did you yourself when elected say you "felt proud of being elected as the representative"——

(*Mr. Lockwood.*) Is this a speech?

(*The Attorney-General.*) It is the 19th November 1885.

93,048. (*Mr. Atkinson.*) When elected did you make a speech in which you said you "felt proud to follow in the footsteps of Rossa and Mitchell"?—I said more than that.

93,049. Did you say that?—I think I said—if you have the speech I think you will find it—I understand what you mean.

93,050. Did you say you "felt bound to follow in the footsteps of Rossa and Mitchell"?—What I said was, as far as I can remember, if you get the papers perhaps it would be better; my own recollection of it was this: after thanking the people for electing me, I said people of Tipperary would follow in the footsteps of Rossa, Mitchell, and Dillon as Parliamentary representatives as far as was commensurate with the spirit of the times; those were my exact words. And perhaps I might be allowed to explain at the time O'Donovan Rossa was elected he was then in prison in England; he had been subjected in one of the English prisons to unnatural torture; his hands were tied behind his back 35 days, and he was elected as a protest——

93,051. (*The President.*) What has this to do with his principles?—If you will allow me to answer.

93,052. (*The President.*) I am pointing out what you are now saying is not relevant?—I was referring to the O'Donovan Rossa whom we elected in 1869, whose principles as a Fenian at that time I had held in 1869.

93,053. (*Mr. Atkinson.*) That "the people would follow in the footsteps—the people of Tipperary would follow in the footsteps of O'Donovan Rossa and Mitchell"?—And Dillon.

93,054. And Dillon, as far as Parliamentary representation was concerned, is that it?—No; as far as was commensurate with the spirit of the times.

93,055. As far as was commensurate with the spirit of the times?—Yes, quite so.

93,056. Did you know that at that time O'Rossa had been advocating dynamite in America?—Most certainly.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

93,057. You had heard that?—Yes, I heard it and believed it.

93,058. And outrage?—Well, of course the programme of dynamite implies outrage.

(*Mr. Lockwood.*) Give me the date of that.

(*The Attorney-General.*) November 1885.

(The Court adjourned for a short time.)

93,059. (*Mr. Atkinson.*) I was just asking you as to whether you had not said, “follow in the footsteps of O’Donovan Rossa and Mitchell,” and then, as I understand, you qualify that by saying you proceeded to say :

“The people of Tipperary were to follow in the footsteps of Rossa, Mitchell, and Dillon as Parliamentary representatives.”

—I did not.

93,060. That is what the shorthand writer took down?—I said as far as was commensurate with the spirit of the times.

(*The President.*) I noticed you were under the impression he had said so. All I can say is I believe I heard most distinctly, and that was not the phrase.

(*Mr. Atkinson.*) I am reading from the shorthand writer’s note.

(*The President.*) Very well ; I do not agree with the shorthand writer.

(*Mr. Button.*) I had better read the answer :—

“(Q.) Did you say you felt proud to follow in the footsteps of Rossa and Mitchell?—(A.) What I said was, as far as I can remember—if you get the papers perhaps it would be better ; my own recollection of it was this : after thanking the people for electing me, I said people of Tipperary would follow in the footsteps of Rossa, Mitchell, and Dillon as Parliamentary representatives as far as was commensurate with the spirit of the times ; those were my exact words. And perhaps I might be allowed to explain.”

(*The President.*) That is enough. Mr. Button is no doubt usually accurate, and I should not, unless I was very certain, have interposed.

93,061. (*Mr. Atkinson.*) You prefer to leave out the words “Parliamentary representatives”?—I am confining myself, as far as I recollect, to what I did say.

93,062. You did not say, “Parliamentary representatives”?—I do not think I did.

93,063. Then it would run thus : “they were to follow in their footsteps so far as was commensurate with the spirit of the times”?—Yes.

93,064. How were they to follow in Rossa’s footsteps as far as was commensurate with the spirit of the times?—Well, I can explain that, my Lord. What I wanted to convey to the people who were listening to me was this, that the people of Tipperary were to follow in the footsteps of the O’Donovan Rossa, who was elected by the people of Tipperary in 1869, and I did not intend to convey that they should have any connexion with the O’Donovan Rossa, whose name was identified with dynamite in later years.

93,065. That is to say, the people of Tipperary were to follow in the footsteps of Rossa, who was elected?—Yes.

93,066. How were they to do that?—“As far as was commensurate with the spirit of the times.” You left out that.

93,067. How were the constituency of Tipperary to follow in the footsteps of O’Donovan Rossa?—My answer to that question is this, Mr. Atkinson : that if the same circumstances had existed in 1885 as did in 1869, that the people of Tipperary would take exactly the same view of their duties to the national cause as Rossa did in 1869, namely, by becoming Fenians.

93,068. Then did you advise them to become Fenians?—Most certainly not ; because the circumstances of the times had completely changed. Fenianism was not the spirit of the times, and was not the national programme in 1885. We are engaged in a Parliamentary and a constitutional programme, and it was to that extent I spoke, and no more.

93,069. They were to follow in O’Donovan Rossa’s footsteps. Was Mitchell ever a Parliamentarian?—Not as far as I know.

93,070. Nor Rossa?—No.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

93,071. They were both Fenians?—Well, I do not know that Mitchell was a Fenian.

93,072. Both had been elected for Tipperary, had they not?—Yes.

93,073. And disqualified because they had been suffering under sentence for felony?—Yes, that is all.

(Mr. Davitt.) Treason.

(Mr. Atkinson.) Treason-felony.

93,074. (Mr. Lockwood.) What I gathered was this, that Mitchell, although he was never allowed to sit, was willing to allow himself to be put in candidature?—That is all.

(Mr. Lockwood.) But so far as Rossa was concerned, I do not understand that he did.

(Mr. Atkinson.) My learned friend's amendment is this: the constituency of Tipperary, following Mitchell's footsteps, were to allow themselves to be put in candidature.

(Mr. Lockwood.) No, no.

(Mr. Atkinson.) That is your correction.

(Mr. Lockwood.) No, indeed it is not; and it is not in that direction.

(The Witness.) My Lord, perhaps you would permit me to say that my attention was called two or three days after the delivery to this speech to which Mr. Atkinson has referred, exactly in the manner that he put it before the Court, and I wrote to the local paper, the "Clonmel Chronicle," denying the accuracy of the report, and repudiating in the strongest language and sympathy whatever with O'Donovan Rossa or dynamite in any shape or form.

93,075. (Mr. Atkinson.) When was that published?—Two or three days after, or perhaps within the week after the delivery of the speech; and if I had known that this speech was to be used—if I had got notice this speech was to be brought before the Court, of course I could have been prepared with that, and have got it.

93,076. Where can it be found?—I think in the "Clonmel Chronicle," if I mistake not, and I think in the "Tipperary Leader," but I am not sure after such a lapse of time and without any notice.

93,077. In August 1885?—After my election—selection rather—for Tipperary. The election had not taken place at the time, and I made a public speech in Clonmel also repudiating any sympathy with O'Donovan Rossa or his dynamite.

93,078. As a dynamiter?—Yes, most certainly.

93,079. Then this speech was made at a meeting of delegates just before the election?—No, that speech was made in public after the selection had been ratified at the meeting of the delegates. The meeting of delegates took place in St. Patrick's Hall in the College at Thurles, and the speech took place in public after the meeting of delegates was over.

93,080. After you had been selected?—Yes.

93,081. Were you seconded by a man named Cusack?—I was.

93,082. Is he and was he a Fenian?—I do not know whether he is or not.

93,083. What do you believe?—I have no reason one way or the other, no knowledge one way or the other to believe.

93,084. What do you believe?—My belief, if I may give my belief, I believe he is not, because I have no knowledge upon which to ground that belief.

93,085. Was he a Fenian?—Well, I must decline to answer that question.

93,086. That is, that you will not reveal Fenian secrets?—Most certainly not.

93,087. You know you took no oath?—Well, I have pledged my word of honour, which I feel is binding as much upon me as if I took an oath.

93,088. What to do?—To bear true allegiance to the Irish Republic, virtually established; to obey all superior's orders: and to be ready to take up arms at a moment's notice; and, I think, to keep the secrets of the organisation inviolable, I think that is, as far as I can remember, the pledge which I gave; I took no oath.

93,089. Have you any reason to think that Cusack—from whatever he had been before—had changed his opinion and action?—Well, Mr. Cusack has been identified to my knowledge with the constitutional movement for the past eight or nine years, or perhaps more; and from that I ground the opinion that he has severed his connexion with Fenianism.

93,090. Is that the photograph of the meeting? Do you see your own photograph, No. 18, there?—I do.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

93,091. No. 18?—Yes.

93,092. What is that a photograph of?—That is a photograph of the men who were on the platform at the Kickham anniversary at Mullinahone, I think.

93,093. Are they each and all Fenians?—I do not know whether they are or not; I was not a Fenian at the time, and I do not know what they were.

93,094. Had you known any while you were a Fenian?—No, not personally. I knew some of them by reputation, but not personally.

93,095. Whom did you know by reputation?—John O'Leary.

93,096. Did you know Timothy O'Reardon of Cork?—Not at that time. I have known him since.

93,097. You believe he is a Fenian?—I have no belief one way or the other. I know nothing whatever about him beyond knowing he is a reporter on a Cork paper.

93,098. He came from Cork to be present?—I thought and still believe he was there in his representative capacity as a reporter.

93,099. Mr. W. P. Rohan of Cork?—I do not know him.

93,100. Look at No. 10. P. N. Fitzgerald of York?—Yes, I know him.

93,101. Was he a Fenian?—Well, by repute I believe he was, but I have no knowledge—no personal knowledge as to whether he was or not.

93,102. John Ryan, of Limerick?—I do not know him.

93,103. How did it come about that this photograph was taken?—Well, I will tell you as far as I can remember. A photographer from Limerick accompanied the Limerick deputation to the celebration of the anniversary.

93,104. (*Mr. Lockwood.*) What anniversary?—The Kickham anniversary at Mullinahone, and while we were on the platform he took a photograph which you now reproduce. That is all I know about it.

93,105. (*Mr. Atkinson.*) Do you know No. 14. Pat M'Guinness, of Preston. Is not he a Fenian?—I do not know him at all.

93,106. Do you not know him by repute even?—Not even by repute.

93,107. How is it that of those men upon the platform, none apparently with two exceptions, yourself and a man named Pursell, reside in Tipperary at all?—I do not know where they reside—the majority.

93,108. What brought them together?—I presume what brought me and thousands there—to do honor to the memory of Charles Kickham.

93,109. He had been a Fenian up to the time of his death?—Most certainly, yes.

93,110. After the Land League was established do you remember attending a meeting in November 1887 at Stepside, county Dublin?—The Land League.

93,111. After the National League had been established—on the 20th of November 1887?—Well, I may have been there but I do not know, I was only once in the county of Dublin and perhaps that was the occasion.

93,112. You only attended one meeting there?—That is all. I did two, I think; I attended a meeting outside Dublin at Inchicaul once.

93,113. Do you know a man named Stephen O'Donoghue?—No.

93,114. Did you ever hear of him?—I did.

93,115. Who was he?—Well, I do not know who he was.

93,116. Had he done anything?—I do not know whether he had or not.

93,117. Whether he had committed any crime or no?—No, not to my knowledge. I knew nothing at all about him.

93,118. Did you hear he had committed any crime?—No, I did not.

93,119. Did you make this speech. "I hope the young men I see around me to-day"—

(*Mr. Lockwood.*) Where is it reported?

(*Mr. Atkinson.*) It is in the shorthand writer's notes of the 20th of November 1887:—

"I hope the young men I see around me to-day are prepared to face any consequence to work out the regeneration of their motherland; that they will be guided by the example of Stephen O'Donoghue."

I have no recollection of having made such a speech.

93,120. Will you say you did not?—I cannot say I did not. I cannot go beyond saying I have not the slightest recollection of making such a speech. I did not know who Stephen O'Donoghue was, and it is rather improbable I would make a reference to a man I did not know.

(*The President.*) Where does that come from?



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

(*Mr. Atkinson.*) From a note of the official shorthand writer from Stepside, Dublin, 20th November 1887.

93,121. Had there been a Fenian raid in 1867 at Stepside?—I do not know. I had not left school in 1867.

93,122. Was not the police barrack attacked? Do not you know as a fact, or have you not heard, that the police barrack was broken into?—As a matter of fact I do not know it.

93,123. Have you heard that the police barrack at Stepside was one of the places the Fenians attacked in 1867?—Possibly I may have heard it, but, as I told you before, I do not know. I may have heard it; I have no recollection of it.

93,124. Have you heard it?—Possibly I may have, but I have no remembrance.

93,125. That applies to anybody. Do you remember whether you have or not?—I do not remember it.

(*Mr. Lockwood.*) Are you sure this was a shorthand writer?

(*Mr. Askinion.*) Yes.

(*Mr. Harrington.*) Scanlon is not a shorthand writer.

(*Mr. Lockwood.*) I think John Scanlon has been called and stated that he was a longhand writer.

(*Mr. Atkinson.*) If I continue, perhaps you will recognise the speech:—

“If you do not prove in your actions what you speak in your sentiments, it will go for nought. I hope the Government will learn from the sufferings of Mr. O’Brien that their prisons can be pierced. In Mitchelstown they got a theescawn of shillelaghs.”

What is that; a bundle of shillelaghs, is not it?—I do not know what it is. I do not understand the meaning of the word.

93,126. Is there no Irish in Tipperary?—Is that Irish?

93,127. I think it is?—If it is, I do not understand it.

93,128. A shillelagh?—Of course I understand what a shillelagh is; but the other word I do not.

(*The President.*) What is the other word?

(*Mr. Atkinson.*) *Theescawn*, it is spelt here. Possibly it is a mistake in the printing.

(*The Witness.*) Or the reporter’s.

93,129. Do you understand any Irish?—Very little, just a little.

93,130. Do you recognise any word that is intended for?—Well, there is a word called a *theescawn*. Perhaps that is it.

93,131. What is that?—Well, it is generally understood as a small measure.

93,132. (*The President.*) I should have thought you would have been able to understand what that was?—I did not, my Lord, until he re-pronounced it. I did not understand what he was alluding to. I should not have had the slightest hesitation in acknowledging it.

93,133. Did you use that word?—I do not remember if I did.

93,134. (*Mr. Justice A. L. Smith.*) I will ask you one question to save time. Will you swear you did not?—I will not swear I did not.

93,135. (*Mr. Atkinson.*) —

“They made a determined effort upon our men in the streets of Mitchellstown, but they got on earnest of what shillelaghs could do versus batons. I hope you will give them no opportunity of tripping you up; but do not suppose I preach anything like cowardly counsel for a moment. At the same time I would advise you not to run blindly into any net they may have spread for you. We are now near the time when we can write the epitaph on Emmett’s tomb.”

Do you remember making that speech?—I do not, indeed. I do not recollect having made anything at all approaching to a speech of that kind. It is not language that I would use. That is the reason I cannot remember it. I do not ever remember having made use of the word shillelagh in any speech I ever made.

93,136. Did you make any speech at all at Stepside?—I think I did. I think I said a few words at Stepside, but I am certain and positive from my knowledge of what I generally said, that I never made use of the word “shillelaghs” in any speech.

93,137. (*The President.*) Is that the only word concerning which you have a doubt?—No, my Lord, I take it generally.

93,138. You have been asked a very direct question by my brother judge. Will you swear you did not make the speech leaving out “shillelagh”?—I cannot swear I did



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

not make the speech. I can go this length. To my knowledge as far as my recollection serves me, I did not make it.

93,139. Did not make that speech?—Not as it is reported.

93,140. What is the difference you wish to draw attention to?—Well, I could not tell the difference after such a length of time.

(*Mr. Atkinson.*) I will endeavour, my Lord, to find out in the “Freeman.”

93,141. Now do you remember being present at a meeting addressed by Mr. Timothy Healey, in reference to the same incident?—What incident?

93,142. Had a policeman been injured at Mitchellstown?—Yes.

93,143. Was compensation awarded to him for that injury?—Yes.

93,144. 1,000*l.*?—Yes.

93,145. Did you interest yourself in resisting the payment of that tax?—I did.

93,146. Were you present at a meeting addressed by Mr. Healy and Mr. William O’Brien at Mitchelstown on the 2nd April 1888?—I was.

93,147. In reference to this matter?—Yes.

93,148. Did you yourself speak, do you remember?—I did.

93,149. Did you hear this speech made by Mr. Healy? This man had been injured. He had been injured in the spine, I believe?—I believe he had.

93,150. Did Mr. Healy speak before you?—He did.

93,151. Did he make this speech?

(*Mr. Lockwood.*) What is this?

(*Mr. Atkinson.*) The 2nd April 1888, at Mitchelstown. It is reported in the “Cork Examiner” of 3rd April 1888:—

“Of all the impudent things that he ever heard it was the proposal to put £1,000 on the head of this policeman. Why, his mother would sell a dozen sons like him for half the money. He joined the police for eighteenpence per day, and what was it would give him his value now. The crack of blackthorn. While he was in good health he was worth 22*s.* 6*d.* to Her Gracious Majesty, but suddenly, when his spine became damaged, he stood the ratepayers of that district at the rate of £1,000. But who was it that fixed that extraordinary price on the thing that was covered with this young man’s helmet? The Grand Jury of the County of Cork.”

I call your attention to these words:—

“A curious thing was that, if Mr. Leahy had been killed outright, it would have cost the ratepayers nothing at all. Sturdy British laws were queer *thig gum tu me* if they killed a policeman it would cost them nothing, they would charge them nothing for it, but tear the nail off his little finger and it was 1,000*l.* to them.”

Did you make any protest against that speech?—I did not hear it, though I was sent to prison for being there. I was at the meeting, but I was absent during the delivery of Mr. Healy’s speech or the greater part of it, and it was proved in Court that such was the case by my witnesses and corroborated by the witnesses of the Crown, and I was sent to prison notwithstanding I did not deliver the speech nor yet hear it.

93,152. Did you see a report of the speech?—I did afterwards.

93,153. You yourself spoke I see also?—Yes.

93,154. You say you did not hear it?—I said I heard a few words of Mr. Healy’s speech, but I was absent during the greater part.

93,155. Did you hear the part I have read?—I did not.

93,156. “If they killed him outright?—I did not. I only heard a few words of his speech just as he was beginning the speech. I left the platform, and went in to some lady friends, and remained there during the delivery of Mr. Healy’s speech.”

93,157. Were you present at a meeting of the National League at Carrick-on-Suir on 1st June 1888?—I may have been; I do not remember. Possibly, I was.

93,158. Have you got any books of the National League?—No.

93,159. Do you remember whether any resolutions were then passed condemning land-grabbers and grass-grabbers?—I do not remember; but at the same time I have not the slightest doubt there were such resolutions passed, though I do not remember them.

93,160. And that a vigilance committee should be appointed in each branch?—Yes; I heard that.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

93,161. And a list of persons made who deserved to be boycotted?—Possibly that may have occurred also, I do not remember.

93,162. And sent to the members of the League?—Yes, I do not deny it, though I do not remember it.

93,163. All these things took place?—Yes; I suppose so.

93,164. Who keeps the books?—I do not know.

93,165. Who was the secretary at this time?—I could not tell you.

93,166. You presided at the meeting in June 1888?—June 1888, in Carrick.

93,167. The 1st June 1888. Who was the secretary of the League?—I think that was not a meeting of the League, if I remember right. It was a convention.

93,168. Well, a convention of the League?—Yes.

93,169. Would any minute be kept of the proceedings there?—Well, I daresay there would.

93,170. Who would keep it?—Whoever were the secretaries of the convention, I do not remember their names now.

93,171. Who were the secretaries?—I do not remember. I suppose you can have it by inquiring at Carrick-on-Suir.

93,172. What office did you hold in the National League?—We held it in the town hall.

93,173. What office did you hold in the National League?—In Clonmel?

93,174. Yes?—I am vice-president for the past three years.

93,175. And you know nothing about it?—No, most certainly not.

93,176. From whom are we to inquire, to ascertain?—I presume the secretaries of the convention?

93,177. Who are they?—I do not know.

93,178. You have no idea?—Well, I have not. If I had I would tell you. I do not know who were the secretaries to the convention. The convention was formed when I went into the hall, and I was asked to preside, and I did.

93,179. Was there any report of the proceedings?—Yes, I think there was.

93,180. And was a list of persons made out by your branch in pursuance of that and sent elsewhere?—Not to my knowledge. I never heard there was any such list.

93,181. Do you know a man of the name of J. P. Hayes?—J. P. Hayes of where?

93,182. He is in America, I believe, at present?—I do not.

93,183. Did you ever know a man of the name of J. P. Hayes?—Well, I knew so many persons by the name of Hayes that I cannot fix the individuality.

93,184. J. P. Hayes?—I do not remember knowing any person of the name of J. P. Hayes.

93,185. Do you know a man of that name who lived in London?—No.

93,186. On any occasion?—On any occasion.

93,187. Do you ever remember introducing a man of the name of Hayes to any person as one of your own way of thinking?—Never.

93,188. Are you certain of that?—Positive.

93,189. Did you know a man of the name of J. P. Hayes who was a Fenian?—No, I did not.

93,190. You say you never knew Mitchell who was examined as a witness?—Never.

93,191. Did you know that a man named Mitchell had been boycotted?—Not until recently. Until I read of the prosecutions in Drangan I do not think I ever heard of the man Mitchell to my knowledge. Certainly I never saw him and never knew him.

93,192. When did you read of the prosecutions in Drangan?—I think it is more than 12 months ago.

93,193. And you have no doubt now that Mitchell was boycotted?—From what I read I have no doubt in life that he was boycotted.

93,194. And had he been boycotted of course you would not have supplied him with anything from your shop?—Most certainly not.

93,195. Had you a butcher's shop at this time?—I had and have.

93,196. Had you an attendant in it?—I had.

93,197. Since this man gave his evidence did you ascertain that he was supplied with meat by your attendant?—Most certainly not. The attendant that I had at the time that Mitchell deposed to has left me since, and I think he has gone to Australia.



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

93,198. What was his name?—Torrens. He was a Protestant man and an Anti-nationalist.

93,199. Have you been unable to ascertain whether in point of fact Mitchell was supplied?—Well, I could not ascertain whether he was or he was not since my man had left me long before. The man who was with me at that time left I think last September.

93,200. Last September?—August or September.

90,201. September in 1888?—Yes, August or September last year he went to Australia.

93,202. At the prosecutions at Drangan was not this incident mentioned by Mitchell?—Not to my knowledge. I never heard of it until——

93,203. Did you not read them?—I only read of the prosecutions; I did not read them through, but I never heard of the man Mitchell till I read of the prosecutions.

93,204. Was not that in 1887?—The prosecutions in Drangan?

93,205. Yes?—I do not know. I cannot fix the date.

93,206. Did you inquire from this man Torrens, who was then in your employment at the time of the prosecution at Drangan, whether it was true he had given this meat to Mitchell?—I had not heard anything about Mitchell saying anything introducing my name in connexion with the Drangan prosecutions.

93,207. Had you not?—No, not a word.

93,208. Do you know Mitchell?—No, I do not.

93,209. You are well known, of course, in Clonmel?—I am.

93,210. Did you stop any man from getting meat in your shop?—The only incident that I ever remember in connexion with a man being refused meat in my shop was, I myself refused a man named Malcolmson, who was an agent to the Land Corporation Company. He came into my shop. I think it was in the early part of 1885. I know it was before I was elected Member of Parliament. He asked me to supply him with meat, and I refused him. He asked me why. I told him we would not supply any agent of the Land Corporation Company in that shop.

93,211. Did you on any occasion ever endeavour to take meat from a man which had been supplied in your shop?—Never.

93,212. Or do you know whether that ever occurred in this shop?—I inquired of Mrs. Condon since this evidence appeared in the "Times," and she said no such incident ever took place in the shop.

93,213. In her presence?—And she is generally there.

93,214. Mitchell did not say she was present?—He said I was.

93,215. Yes?—Well, I was not.

93,216. Then the incident never could have occurred at all?—The incident, as deposed to by Mitchell, could not have occurred without my knowledge.

93,217. Then Mitchell must have invented it?—Well, it did not occur. That is all I say.

93,218. He could not be under a misapprehension, you know?—I do not know what he did; but I know I was not there. I never saw him; I never knew him, nor do I know him now. It was a pure fabrication as far as I am concerned.

Re-examined by Mr. LOCKWOOD.

93,219. Did you read any reports of the proceedings in connexion with Mitchell's boycotting?—I read at the time of the Drangan prosecutions and for the first time. I heard that this Mitchell was boycotted, yes.

93,220. You do not quite follow me. I suppose when the proceedings were taken about the time that Mitchell was alleged to have been boycotted, there was a report of that in the paper?—Yes, I suppose so; perhaps so.

93,221. Do you remember?—I do not remember.

93,222. Did you ever see in any paper until you saw it alleged against you in these proceedings that this incident was attributed to you?—Never.

(Mr. Lockwood.) My Lord, we handed in at one period of the case some extract of these proceedings; but I do not think that it was sufficiently exhaustive to establish what I am suggesting now, namely, that my learned friend was in error in stating that in the proceedings which were taken in respect of the boycotting of Mitchell, that any allusion was made to any such alleged conduct on the part of Mr. Condon; but I will



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

endeavour, my Lord, to get it. Did I understand you were reading from a report just now?

(*Mr. Atkinson.*) No; I asked the witness whether he had said what was in what I was reading.

(*Mr. Lockwood.*) I took it of course, when my learned friend cross-examined as to a report, that there was a report.

(*The President.*) It does not seem to be worth taking up time in following up, because it amounts to this, as far as this witness is concerned. He is here to deny he used such language as this and that he was in the shop?—I am here to deny that any such incident ever took place.

(*The President.*) That is quite immaterial for our purpose, other than the contradiction, because this gentleman says that he did refuse to supply somebody else with meat.

(*Mr. Lockwood.*) Oh, yes.

(*The President.*) Therefore it is not worth while following it up.

(*Mr. Lockwood.*) I see what your Lordship means. Of course he naturally felt it was a rather serious imputation upon him which he is anxious to meet.

93,223. You have spoken of Kickham; did you know Kickham at all during his life?—I did.

93,224. Was he a man who during his life was much respected in the neighbourhood in which he lived?—None more so, no man in or out of Tipperary was more respected than Charles Kickham.

93,225. I do not mean merely amongst those who thought politically with him?—I am speaking generally.

93,226. Do you mean all classes?—All classes, yes. Even those who differed diametrically from him in politics respected and revered Charles Kickham.

93,227. He was a man, was he not, of some literary attainment?—Yes.

93,228. His writings were widely circulated, I believe?—Yes, they were. His poems and his novels were known in almost every homestead in Tipperary.

93,229. When he died was his funeral attended by large numbers of people?—The largest I ever saw. You could count it in tens of thousands.

93,230. Were those crowds composed of people from the surrounding district and belonging to all classes?—They were.

93,231. And when you went to this commemorative service, as I understand it to have been, or commemorative meeting, were there again persons of all classes and of all different grades of thought?—There were. There were, certainly.

93,232. (*Mr. Justice A. L. Smith.*) When did Kickham die, do you know?—I think in 1884, my Lord. I am not sure, but I think it was either 1883 or 1884.

(*Mr. Atkinson.*) 1882, I think.

(*Mr. Lockwood.*) 1882 or 1883.

(*Mr. Justice A. L. Smith.*) There are some papers about it. We shall be able to find the date. It would be in "United Ireland," or some of the others.

93,233. (*Mr. Lockwood.*) Two men's names have been mentioned (I want to ask you a question about them), P. N. Fitzgerald and John O'Leary. Were either of those men friends of the League?—Of the National League?

93,234. Yes, or of the Land League?—Well, I can only speak from my own experience of the National League, and I know, as a matter of fact, that they are two of the most direct, though honest, opponents of the National League that I know, and of the policy of the National League.

93,235. Do you happen to know also that Mr. Kickham was opposed during his life to the policy of the League?—I heard it. I did not know it of my own knowledge. I heard it and believe it.

93,236. This Leahy tax, to which you are said to have offered resistance. What form did the resistance take?—The form of resistance, as far as I saw, was refusing to pay the tax.

93,237. But were not some legal proceedings taken?—There were in the Court of Queen's Bench. Legal proceedings were taken and those proceedings were taken at the time the meeting took place to which Mr. Atkinson referred awhile ago.

93,238. Did you ever intend to express any sympathy whatever with the dynamite policy of O'Donovan Rossa?—Never. On the contrary, as I have already sworn, two or three days after this speech was brought to my notice, as it is reported by



11 July 1889.]

THOMAS JOSEPH CONDON.

[Continued.]

Mr. Atkinson and presented to the Court, I publicly repudiated any connexion or sympathy with the dynamite policy from the balcony of the principal hotel in Clonmel.

93,239. When was O'Donovan Rossa's election?—1869.

93,240. He did not come into the constituency?—Not at all. I do not think he had any knowledge of it.

93,241. Who paid his expenses?—I do not know who paid his expenses, but I heard afterwards, in conversation, that 250*l.* was contributed by the Carlton Club towards the expenses of Rossa's election in 1869.

(*The President.*) Why should we have stories of this kind dragged in? It is ridiculous.

93,242. (*Mr. Lockwood.*) At any rate he was not there himself?—No.

93,243. (*The President.*) These statements should not be made without some foundation of fact?—If I had known, my Lord, that I would have been examined upon this point, I think I would be in a position to prove it as a matter of fact.

93,244. (*The President.*) Very well, you had better defer any remark of that kind in future until you are in a position to prove it?—Very well, my Lord.

93,245. (*Mr. Lockwood.*) This Leahy tax was in reference, was it not, to an attack made upon the people by the police at Mitchellstown?—Yes.

93,246. It was in the course of the Mitchellstown affray, to use a word that can be accepted by both sides, that Leahy lost his life?—No, got injured. It was in the course of the affray, at which the people were defending the right of public meeting against the police, at which he got injured.

93,247. How many people lost their lives?—There were three men murdered.

93,248. And there was, I believe, a very strong feeling, and is still a very strong feeling, in respect of what took place on that occasion?—Very naturally.

(*Mr. Atkinson.*) We have searched the "Clonmel Chronicle" which the witness referred to and have not found this letter of his.

93,249. What other paper is it in?—I said either the "Chronicle" or the "Tipperary Leader."

(*Mr. Lockwood.*) You expressed yourself, I thought, as more certain with regard to the "Clonmel Chronicle."

93,250. (*The President.*) I did not quite catch whether you said it was a letter or whether you said you addressed a meeting from the balcony?—Yes, my Lord.

93,251. Which of those two is it?—I am certain about addressing the meeting from the balcony of the hotel. I am not quite certain of the letter, though I have an idea I did write it, but I am quite positive about addressing the public meeting—certainly.

(*The President.*) Undoubtedly, if the witness were in a position to refer us to something which appeared in a newspaper immediately afterwards, of course I should allow it to be put in. If that can be furnished, it can be done.

(*The Witness.*) Thank you, my Lord; I think I shall be able to do it.

93,252. (*Mr. Lockwood.*) May I put a question to you. Was this speech made after your election?—This speech was made on the evening at which I was selected by the convention in Thurles, which took place in the latter part of November 1885.

93,253. And Mr. Soames, I think by mistake, was looking in September?—The convention took place in November.

93,254. (*The President.*) I think you had better not look for it now?—Very well, my Lord. I am not making a mistake. I am positive about that.

93,255. (*Mr. Lockwood.*) When was it made?—The speech was made in November, just a few moments after the convention had broken up at which my selection took place.

93,256. November 1885?—November 1885; the Tipperary convention which was held at Thurles.

93,257. I know the 1885 election was in November?—I am certain of that.

(*Mr. Lockwood.*) My Lord, I will look.

(*Mr. T. Harrington.*) I will call Mr. Joseph Kelly.

(*Mr. R. T. Reid.*) Both the witness whose name Mr. Harrington has mentioned and the one I am about to call are, one from Ardagh and the other from Crossmolina with regard to persons being members of those branches. It is with reference to the evidence of Coleman. We are picking up one or two instances remaining at the end.



11 July 1889.]

THOMAS BERRANE.

[Continued.]

THOMAS BERRANE sworn; examined by Mr. R. T. REID.

93,258. Do you live at Ardagh in the county of Mayo?—Yes.

93,259. And is Ardagh about two miles from Crossmolina?—It is. The parish is from one point two miles from Crossmolina, or nearer than two miles.

93,260. Are you secretary of the Crossmolina Land League?—I was not of the Crossmolina Land League, but of the Ardagh Land League.

93,261. I mean the Ardagh Land League?—Yes.

93,262. Were you also a member of the National League?—I am a member of the National League still, but not in commission any more than being on the committee of it.

93,263. Did you know Macaulay, the man who was convicted of the Crossmolina conspiracy?—Yes, thoroughly.

93,264. You know him?—Thoroughly.

93,265. We all know what he was, I believe. He lived at Deel Castle, did not he?—He lived at Deel Castle in Grange.

93,266. Can you tell me was he a member of the Ardagh Land League?—Never.

93,267. Or National League?—Nor was any member of the Macaulay family. They were always opposed to it.

93,268. Did you know him as an active opponent of the League?—An active opponent of the League and his father was an acting man to a landlord there, and he was also opposed to it.

93,269. Do you know whether the persons living in the townland in which Macaulay lived were prevented by him from joining the League?—There was a townland in the parish that joined to that townland, and he had an influence there, and not one man of that townland ever joined it.

(Mr. R. T. Reid.) I ought to state the point I am upon is showing whether Macaulay was a member of the League.

Cross-examined by Sir HENRY JAMES.

93,270. Were you a member of the old Land League?—I was the secretary of it.

93,271. When did that come to an end?—It came to an end when it was suppressed.

93,272. Yes, I thought it would?—Nor would not still, if it was not suppressed.

93,273. That would be about October 1881, would not it?—I can tell you that Mayo was the mother of the Land League, and I do not know the date of its suppression. I cannot tell the date of it.

93,274. You may not recollect it?—I do not recollect it.

93,275. We know that very well; we will take it. Then how long after that was the National League formed?—Some time after. It was first sounded in headquarters that we should have it amongst ourselves there.

93,276. About how long after the suppression of the Land League was the National League formed?—Well, I cannot bring it to my memory now, but I know it was not long.

93,277. Was it years or months, or what? About how long?—I could not swear. I have no recollection.

93,278. Is it two years or one year?—I could not bring to recollection the date of its starting.

93,279. You cannot say whether it was one year or two years; you are sure of that?—I do not know; was it two years?—I do not think it was two years.

93,280. Did you join it as soon as it was formed?—I did.

93,281. What were you on it?—Only a member first, and then a voice on the committee of it. That is all. I have no books in connexion with it.

93,282. You were a member of the National League. What else did you say you were?—I was secretary of the Land League.

93,283. We have passed from that. We are on the National League?—Well, I am a member of the National League, and I have a voice on the committee.

93,284. Are you a member of the committee do you mean by that?—Yes, when anything has to be discussed concerning it.

93,285. Are you an elected member of the committee?—I am.



11 July 1889.]

THOMAS BERRANE.

[Continued.]

- 93,286. Then we will call you a committee-man, if you have no objection. Was there a secretary?—Yes.
- 93,287. Who was he?—He is William Clark now.
- 93,288. Who was he in the year 1882 or 1883?—He was treasurer.
- 93,289. Who was the secretary?—Clark was treasurer of the Land League, and he is secretary of the National League now.
- 93,290. Who was secretary of the National League in 1882 and 1883?—Clark. He is secretary of it since it was planted.
- 93,291. Does Clark keep a book?—He does.
- 93,292. Keeping a list of names?—Yes.
- 93,293. Have you any book with it?—I have not. The book of the Land League, I will tell you what became of that.
- 93,294. We are upon the National League?—I would have this book with me if it could be found. I have looked for it.
- 93,295. I am speaking about the National League?—Clark holds the books.
- 93,296. As far as you know will Clark have books in which the names of members appear?—Yes.
- 93,297. And the subscriptions they paid?—Yes.
- 93,298. Where do you think those books are?—The books of the National League are in Clark's possession.
- 93,299. Where do you think Mr. Clark is?—He is in Ardagh.
- 93,300. With books and the list?—Yes, the book and lists are there and everything.
- 93,301. Did you say Ardagh?—In Ardagh, in a townland called Cloonblossa.
- 93,302. There Clark is with a book containing the list of the members?—Yes.
- 93,303. You are quite sure, in that book, the name of Thomas Macaulay does not appear?—Never.
- 93,304. Have you looked in the book?—Never. Did I look in the book—no.
- 93,305. That is what I am asking?—Since we planted the National League Thomas Macaulay was not there to have his name on it.
- 93,306. Have you looked in the book containing the list of members?—Yes, of the Land League.
- 93,307. Now, we are upon the National League, if you please?—The National League, he was not. He was not in the country.
- 93,308. Have you looked in the book that Clark has in the town of Ardagh containing the list of members?—I can swear his name is not on it safely.
- 93,309. I have heard it?—I can safely swear that.
- 93,310. I apologize to you for troubling you, but will you attend to me. Have you looked in the book Clark keeps containing the list of members?—I have looked upon it several times, and every time I looked there was an addition of names on it. That is, they are coming in now and again; but I can swear safely Macaulay's name is not upon it.
- 93,311. You say you have looked on that book. Have you looked in the book to see whether Macaulay's name is in the list of members?—Yes, whenever the book is brought up to the parish chapel we look at it, and there is an addition of names now and again attached to the book according to the changes.
- 93,312. When did you last look at the book?—I think it is about three weeks ago we had it before us.
- 93,313. Did you look to see if Macaulay's name was in it?—I did not look for Macaulay's name, but I looked at the names that were on it.
- 93,314. That is "in" it?—Yes.
- 93,315. Having looked to see the names, you are quite sure Thomas Macaulay's name is not in it?—Yes, quite.
- 93,316. You looked about three weeks ago to see that?—Yes, we had the book before us three weeks ago.
- 93,317. You knew you were coming over here. Did you look three weeks ago to see if Macaulay's name was there?—I did not know I was coming till Friday.
- 93,318. Did you look at the book then?—No.
- 93,319. Why not?—Because the book I was spoken to about was the Land League book.



11 July 1889.]

THOMAS BERRANE.

[Continued.]

93,320. We are on Thomas Macaulay. In 1882 and 1883 did you look in the National League book to see if Thomas Macaulay's name was there?—It is not there. I can safely say it is not.

93,320a. I am sorry to trouble you, but did you look in the book when you knew you were coming over here, to see if Macaulay's name was there?—I did not.

93,321. And the book is is Ardagh now? You knew Thomas Macaulay well, did not you?—Yes.

93,322. Were you present at any meeting at which a gentleman we know by the name of Scrab Nally was present?—I was not.

93,323. You were not?—No, I was not.

93,324. Was Thomas Macaulay present at that meeting?—I heard he was.

(*Sir. H. James.*) It is at page 3411.

93,325. On the platform?—I did not know on the platform. I heard he was at the meeting; that is all I heard.

93,326. Prominently at the meeting so that people saw him on the platform?—I do not know, I was not in it. I do not know how the conduct of the meeting carried on at all.

93,327. You say you heard he was there?—I heard he was there.

93,328. Did you hear of his speaking there at all about the Irish Republican Brotherhood?—No, I did not.

93,329. I suppose there are a great many people at Ardagh who were present at that meeting at which you were not present?—There was a good many in it.

93,330. They would be at Ardagh now, as far as you know?—(*No answer.*)

93,331. Do you know Andrew Coleman?—Yes.

93,332. He is a man who, according to you, is alive. You say Thomas Macaulay was an opponent of the Land League?—Yes, he was.

93,333. Was he a Fenian?—I cannot tell what he was in that way.

93,334. You do not know whether he was a Fenian or not?—Well, by his movements it was thought that he was; but I cannot swear he was.

93,335. That he was a Fenian?—Yes, but I cannot swear it safely whether he was was or no.

93,336. By repute was he a Fenian?—He was looked upon to be so.

93,337. And he was at this meeting at which you say you heard he was. Was that a Land League meeting?—It was.

93,338. He was present at the Land League meeting, as far as you know, where Mr. Scrab Nally spoke, and as far as you know he is a Fenian?—Well, I was told that it was to quit the meeting he went there; still I am not sure of it.

93,339. To do what?—I was told it was to prevent it he went there.

93,340. But he did not prevent it?—No.

93,341. If he did people who were present could tell us of it.

Re-examined by Mr. R. T. REID.

93,342. You have been asked about Coleman. You have been asked if you knew Coleman?—Yes.

93,343. You did know him?—Yes, Coleman and his wife lived about 100 yards from me.

93,344. We will not ask anything about his wife. About Coleman himself, what sort of reputation and character did he bear?

(*Sir H. James.*) I must object to that. The fact of asking a man if he knows Coleman does not entitle him to give evidence as to character.

(*The President.*) My attention was engaged in another direction. I missed it.

(*Mr. R. T. Reid.*) I asked if he knew Coleman and he said he did, and I asked him what sort of a character Coleman bore in the neighbourhood.

(*The President.*) No.

(*Sir H. James.*) This is not evidence as to character.

(*The President.*) I only know of one particular form.

(*Mr. R. T. Reid.*) Then I will not press it.

93,345. Do you know when the National League was established at Ardagh?—I do, but I have not the date of it—of the establishment. That is where I am put about.

93,346. Can you tell me this. Do you remember when this Macaulay was arrested?—Yes.



11 July 1889.]

THOMAS BERRANE.

[Continued.]

93,347. Do you know whether the National League had been established in Ardagh at the time Macaulay was arrested?—It was not in any existence at that time in Ardagh.

(*Mr. R. T. Reid.*) I can show from the books that the National League was established in Ardagh in September or October of 1884, and this man was convicted months before—as far as the Ardagh National League is concerned.

(*The President.*) Yes.

(*Mr. R. T. Reid.*) He was in gaol. However, the witness has given a general answer.

Mr. JOSEPH KELLY sworn; examined by Mr. TIMOTHY HARRINGTON.

93,348. You are a shopkeeper, I believe, in Crossmolina?—Yes.

93,349. That is pretty near the district that the last witness came from?—Something about three miles.

93,350. Was there a branch of the Land League in Crossmolina?—There was once.

93,351. What sort of a branch was it?—It was a branch that was formed there in order to come under the heading of the Parnell Relief Fund.

93,352. A branch merely to qualify yourselves to get grants from the relief fund?—From the relief fund.

93,353. Did that branch hold its meetings regularly?—Indeed, it did not hold any meetings. The people were in a wretched state at the time, and there were two other relief funds going on; the Marlborough Relief Fund and the Mansion House Relief Fund.

93,354. And did the same committee distribute all the relief?—Yes.

(*Mr. T. Harrington.*) I refer your Lordships to page 1559—the evidence of Joseph Hogan and William Hogan, two brothers, who have been examined here.

93,355. Did you know those two men, Joseph and William Hogan?—I do.

93,356. You were vice-president of the Land League, I believe?—I was president of it.

93,357. During the time that the Land League existed there, to your knowledge was any pressure of any kind brought to bear on the Hogans to induce them to join?—Not a particle. Anyone who wished to join joined it, and none joined it but those who needed relief most.

(*Mr. T. Harrington.*) It is Coleman's evidence and not Hogan's.

(*The President.*) What page is it?

(*Mr. R. T. Reid.*) 3410. It is a mistake.

(*Mr. Justice A. L. Smith.*) Mr. Harrington, where is the reference about the two Hogans?

(*Mr. T. Harrington.*) I find it was wrongly marked in my instructions.

(*Mr. Justice A. L. Smith.*) I can get it.

(*Mr. R. T. Reid.*) 3412 is Colman's evidence.

(*Mr. T. Harrington.*) Coleman's evidence about Hogan, the Hogans themselves were also examined.

(*Mr. Murphy.*) 1553, I think, is the Hogans.

(*Mr. T. Harrington.*) The Hogans' evidence is 1550.

93,358. You knew Thomas Daly, I believe?—Well, I know very little about Daly; he was only a very short time living in Crossmolina.

93,359. This is Thomas Daly, who has since been convicted for the Crossmolina conspiracy?—Yes, he was only a very short time in Crossmolina.

93,360. Was he a rival in trade of the Hogans?—Next-door neighbours. Nothing between them, only just the bare wall.

93,361. But they were carrying on the same business?—The same business.

93,362. Were you and the Hogans always on good terms?—Yes, and is now.

93,363. Did you deal with the Hogans while you were president of the Land League?—Indeed, I did for anything I had not myself.

93,364. And you have dealt with them all the time since?—Yes.

93,365. Did you know Thomas Macaulay?—Well, I knew very little about Macaulay. It was very seldom he used to come to our side of the town, because the River Deel



11 July 1889.]

JOSEPH KELLY.

[Continued.]

divides it, and there is more on the south side than there is on the north, and I live on the north side.

93,366. Had he any connexion with the branch of the Land League while it existed there?—No, he had not.

93,367. Can you say he was not a member?—Yes, and he wrote a letter to the “Connaught Telegraph” denying——

93,368. Denying that he was?—Denying that he had anything at all to do with it.

93,369. There are some other men mentioned in the evidence of the Hogans. Higgins, did you know that man?—Higgins; he does not belong to Crossmolina.

93,370. You do not know that he was a member of the Crossmolina Branch of the League?—No, he was not.

93,371. Did you ever hear whether the man Hogan took any evicted land?—Well, no, he never took any evicted land, but he took a farm that a butcher of the name of McGuinness held in the town of Ballina, from Captain Kelly; McGuinness gave it up for the reduction, and somehow or other, whatever negotiations they had, Hogan took it, and that is all the evicted land I heard of Hogan taking.

93,372. Do you know whether Ballina is a considerable distance from Crossmolina?—Ballina is one of the largest towns in the county.

93,373. How far is it from Crossmolina?—Six miles, and this place that the land was taken was just quite convenient to Deel Castle again, midway between Crossmolina and Ballina, nearer to Ballina than Crossmolina.

(*Sir H. James.*) I do not know what this man has proved.

Cross-examined by Sir HENRY JAMES.

93,374. Which was the Hogan you said you dealt with?—William Hogan. It was very little in his way that I required, only some paints and oils, and whenever I wanted them I went to him for them. I could dress a man from the cradle to the grave myself.

(*The President.*) I did not catch the last observation.

(*The Witness.*) I said, my Lord, that I could supply any material that man or woman requires from the cradle to the grave.

(*Mr. R. T. Reid.*) Sir Henry James has said he does not know what the witness is called for. I understand him to say that Macaulay was not a member of the Crossmolina Land League. That is the point for which he is called.

(*Sir H. James.*) I did not hear him mention Macaulay's name.

93,375. Having got away from your business operations, let me know what were you in the Land League?—I was the president of it.

93,376. Of the Crossmolina Land League?—Yes.

93,377. Not the Ardagh?—No, I had nothing at all to do with Ardagh; that is the other side.

93,378. That is not where you carry on your business?—No, in Crossmolina I carry on my business.

93,379. As the president can you tell me, were any books kept?—Well, I believe there was some list kept; it was not I who was keeping the list.

93,380. Who did?—Mr. McCormick; he was secretary.

93,381. Is Mr. McCormick alive now?—He is.

93,382. You seem to have some interest in his existence. Does he deal at your shop?—He has a shop of his own.

93,383. Where is he?—He is at Crossmolina.

93,384. And he kept a book containing the list of members?—Yes, and the list of the names.

93,385. So if Macaulay was a member his name would appear in the book?—Well, he was not a member of that, because I used to have recourse often to see the names that were on.

93,386. Was Macaulay a Fenian?—I cannot tell.

93,387. Did you ever see him at a Land League meeting?—I never saw him at a Land League meeting.

93,388. Do you recollect a meeting McNally attended—Mr. Scrab Nally?—Nally is about 26 miles away from where I stop, sir.



11 July 1889.]

JOSEPH KELLY.

[Continued.]

Re-examined by Mr. R. T. REID.

93,389. Do you recollect whether Macaulay had been arrested at the time when your National League was started?—Oh, long before it.

93,390. The National League was started after he had been arrested?—Yes.

93,391. You are now speaking of the books that Mr. Cormick had, that is the National League books?—Yes.

(*Sir H. James.*) I was asking about the Land League.

93,392. (*Mr. R. T. Reid.*) I will ask that in a moment. About the Land League books, do you know whether M'Cormick had got Land League books?—I could not tell that.

93,393. Do you know anything about it. Have you seen any Land League books for a long time?—Oh, no; the Land League was suppressed long ago, and we only had it once just to qualify us to get some money from the fund to supply the people.

93,394. Did you ever have any meeting at Crossmolina of the Land League?—Never, sir.

(*Mr. R. T. Reid.*) It is stated by one of the witnesses, I think, that the Crossmolina Land League did not meet in fact.

(*Mr. R. T. Reid.*) My Lords, this relates to the evidence which we have not yet touched of the informer Jago in Longford in 1883.

Mr. JOHN MCCARTHY sworn; examined by Mr. R. T. REID.

93,395. Mr. John McCarthy, of Killow, County Longford, you belong to that part of the county from which Jago came?—Yes.

93,396. And you are a farmer and a jurymen of that county, I believe; is that so?—Which?

93,397. Of County Longford?—Yes.

93,398. Now Jago said that Hart was president, McCarthy secretary, and Lennon was treasurer of the Land League (page 1823). Were you in point of fact secretary of either the National League or the Land League?—Never.

93,399. I believe you were president of the Land League from its commencement?—Yes, from when it was formed.

93,400. Were you president of the National League when the National League commenced in 1883?—No; when it was commenced, I was not president.

93,401. You became president of it in 1885?—Yes.

93,402. Did you know Jago by reputation in that district?—By which?

93,403. By reputation; did you know about him; did you know the character and reputation of Jago?—Yes.

93,404. Is he a man whom you would believe upon his oath?—I would not, nor any one in the county, I think, who knew him.

93,405. Did the Land League keep books at all?—No, the treasurer kept an account of the money that would be handed in from each collector, that was all.

93,406. This is to fix an incident. I do not think it is an important incident? but do you remember when certain bonfires were put out, which were lighted in connection with some rent reduction?—I was in prison as a suspect at the time that occurred.

93,407. You were a suspect and you cannot tell me when that occurred—Is that so?—Yes.

93,408. There is a person of the name of Mc'Nally referred to by Jago—do you know him, Jago said he swore him in as a fenian or rather as a moonlighter?—I knew three or four of the name but I could not know which he has alluded to.

93,409. There are certain men whom he names as having been present when firing shots at Scanlan was discussed in the meeting?—There was no league in existence at the time in the parish—it was suppressed.

93,410. At the time it was agreed to fire at Scanlan—is that so?—There was no league—it was suppressed about six weeks before that.

93,411. This is page 1824—were you present at all the meetings or nearly all the meetings of the Land League and National League?—I was not. I was present at nearly every meeting of the Land League. I was president then.

93,412. At any time was there any discussion about firing shots or committing any outrage at all?—No.



11 July 1889.]

JOHN MCCARTHY.

[Continued.]

93,413. You say that the incident about firing at Scanlan—when shots were fired at Scanlan it took place after the League was suppressed?—Yes.

93,414. Was that before the National League came in existence?—Yes, a year or more.

93,415. I believe Hart, who is mentioned as the President of this League, is in America?—Yes.

93,416. Did this ever take place that Hart told Jago that he got money from the Central League to pay for outrage and said so to him in your presence?—No.

(*Mr. Justice A. L. Smith.*) What number is that?

(*Mr. R. T. Reid.*) Page 1828. I am reading from an abstract, perhaps it would be as well to get the exact words.

(*The President.*) What question?

(*Mr. R. T. Reid.*) 33,556.

“Except committing these outrages did you do anything to earn the money?

“—I often did. What did you do (I am speaking of) for Hart?—I often gave a

“stroke back and forwards. Was there any statement made at these meetings of

“the committee as to where this money came from?—It came from the League.

“That is the money that Hart gave you?—Yes. Who was it stated that?—Hart

“told me himself.”

(*The President.*) It does not say he said it in this witness's presence.

(*Mr. R. T. Reid.*) Yes, my Lord, I think he says so.

(*The President.*) Where?

(*Mr. R. T. Reid.*) I will find it in a moment. My Lord, there may be a mistake in the abstract about it. Your Lordship is right, he does not say it was in his presence, but at 1824, I think, this is what I was referring to. Question 33,412.

“Do you know a man of the name of Scanlan?—Yes, I do. Was there any

“meeting of the League held in reference to him?—Yes, there was. Was it of

“the committee of the League?—Yes. Who were present, do you remember?—

“John Hart, and John Macarthy, and McNally, and several others.”

that is quite sufficient for me after all, to get one precise contradiction. I think your Lordship is right, I do not think it does appear that he said that he made the statement in this witness's presence. Now did you know a man called Kane?—Yes.

93,417. Was he a member of the Land League or not, do you remember?—I could not say.

93,418. Was Jago a member of the Land League?—I have inquired since he gave evidence in the Commission here from the committeeman who collected in his district, and he told me he did draw cards.

93,419. He was not a member of the committee, was he?—Oh, no.

(*Sir H. James.*) But does he know?

93,420. (*Mr. R. T. Reid.*) Yes. You were on the committee, president of the Land League, can you tell me whether Jago was on the committee?—Oh, no, he never was.

93,421. I will ask you this general question. So far as you know, was there on the part of either the Land League or the National League, any sympathy with crime and outrage or any encouragement of it?—It was always denounced.

## Examined by Mr. DAVITT.

93,422. Who did the man called Jago associate with generally?—He pushed himself everywhere with every sort of people.

93,423. Would the respectable people in the locality associate with him?—They would not, but he would push himself on. I have seen him driven away where he would introduce his discourse to respectable people.

93,424. How did he earn his livelihood?—He used to work at daily labour.

93,425. Regularly?—Well, not regularly.

93,426. Do you know if he associated at all with the police?—I never knew until I heard what I read from this Commission.

93,427. You have no knowledge of your own?—No.

93,428. Except what you have read?—Not a word.

93,429. But if he swore here he got money from the police, you could not contradict him?—I could not indeed.



11 July 1889.]

JOHN MCCARTHY.

[Continued.]

93,430. (*Sir H. James.*) This is the second witness that we have as to whom we have to make an application, that we should be glad to cross-examine him to-morrow morning. We have a great many matters as to these branches, and as to himself, to which we wish to refer. Have you got the books with you?—Not one, I did not belong to the committee for the last two years.

(*Sir H. James.*) Will you let him know that he is to be in attendance to-morrow morning.

(*Mr. R. T. Reid.*) My Lords, my friends have put us in somewhat of a difficulty, because we had expected this witness to conclude the day, and we are very near the end of our case. To-morrow morning my friend Sir Charles Russell will probably have to call evidence upon a certain matter, and then there are two other witnesses whom we propose to call, and I think that is practically all we intend to do. Under these circumstances I had hoped my friend would be able to cross-examine this witness.

(*The President.*) Cannot we go on with any other witnesses?

(*Mr. R. T. Reid.*) No, the other two witnesses whom we intended to call, would have been called before had they been available, but they are not in London.

(*The President.*) You have not them here?

(*Mr. R. T. Reid.*) No, we have not got them here.

(*The President.*) Will they be here to-morrow morning?

(*Mr. R. T. Reid.*) One of them I hope will be, I am not sure about the other. I may have to make a special application to your Lordships with regard to one person. Really we are very near the end of our case.

(*The President.*) I cannot insist on Sir Henry James going on.

(*Mr. R. T. Reid.*) No, I only made this statement in order that your Lordships may appreciate our position in not having other witnesses.

(*The President.*) Oh, yes. I am very glad to hear that you are so near the end of the case. Then we must adjourn.

(*Mr. R. T. Reid.*) Your Lordships understand the position that I referred to—the fact that Sir Charles Russell will call a witness or two to-morrow morning.

(*The President.*) I caught that.

(Adjourned to to-morrow at 10.30.)



"Uncorrected Proof."

*Mr Soames*  
*Admission*  
*Probate Court*  
~~SPECIAL COMMISSION ACT, 1888.~~

ROYAL COURTS OF JUSTICE,

PROBATE COURT No. 1,

Friday, 12th July 1889.

(*Sir C. Russell.*) My Lords, I had intended to call Mr. Soames this morning. He undertook to produce a list of the payments he had made of witnesses, and I have some questions to put to him on another matter. I gave directions that he should have notice, but I understand he has not had notice, and therefore I would ask to postpone calling him; but I particularly asked him to produce in Court the list he undertook to produce of the payment of witnesses and what communications he has had from his agents in America and Ireland.

(*The Attorney-General.*) I am not aware that any undertaking was given by Mr. Soames. Mr. Soames' evidence is on the shorthand notes, and it can be seen if anything was said; but I am not aware any undertaking was given. And in respect of the communications from America, that, of course, is a matter which must be justified upon special grounds.

(*Sir C. Russell.*) I intended to justify it upon grounds which I will put before your Lordships in a moment, but the immediate question is to call for certain of those documents.

(*The President.*) Well, of course, that is a usual formality. Now the question is whether you produce them.

(*The Attorney-General.*) I cannot undertake to produce documents upon such a request as that, nor do I see upon what grounds such documents can be called for.

(*Sir C. Russell.*) I hope to make my grounds clear on the cross-examination of Mr. Soames himself.

Mr. JONATHAN HOGG affirmed; examined by Sir CHARLES RUSSELL.

93,431. What are you?—I am a merchant in Dublin.

93,432. What is your connexion with the association called the Loyal and Patriotic Union?—I am a member of the committee.

93,433. Of the general committee?—Of the general committee and of the executive committee.

93,434. Is there a finance committee?—There is.

93,435. Are you a member of that?—No.

93,436. Who are the members of the finance committee?—I do not recollect at the present moment, but the secretary is here and he can give you all the information.

93,437. Tell me, as far as you recollect, who the members of the finance committee are?—I do not recollect any of the names at the present moment. I could not tell who they are.

93,438. Do you mean to say you do not recollect anyone of those at this moment?—I could not state positively who are the members of the committee.

93,439. Are there any ex-officio members of the finance committee; the president and vice-president, are they members?—I think not.

93,440. Who were the members of the finance committee in 1886?—I cannot tell you who the members were; but they are the same unless they have been removed by death.



12 July 1889.]

JONATHAN HOGG.

[Continued.]

93,441. You were not a member, I take it, in 1886?—I was not a member of the finance committee.

93,442. In 1886?—Or at any time.

93,443. When was the Loyal and Patriotic Union instituted?—I joined it in 1886.

93,444. What time?—I think in January 1886, early in the year, the very beginning of the year, or it may have been December 1885.

93,445. Was Mr. Houston at that time the secretary?—Mr. Houston has always been secretary.

93,446. He was then and is still?—Yes.

93,447. Where was the banking account of the Loyal and Patriotic Union kept?—It was kept at the Bank of Ireland.

93,448. In Dublin?—Yes.

93,449. They had no account, I think, in London in their own name?—I think not.

93,450. So far as you know?—So far as I know.

93,451. Do you know a publication called "Parnellism Unmasked"?—I know the publication, I know of its existence.

93,452. You have seen it, I mean?—I have.

93,453. When did it appear?—That I could not tell.

93,454. When did you say it?—I should think in 1886, certainly not before.

93,455. What was the function or object of the Loyal and Patriotic Union?—To maintain the union between Great Britain and Ireland.

93,456. Another description of it, it would be correct to say it was an anti-Land League?—It was anti everything that tended to separate the two countries.

93,457. I think it has been described as an anti-Land League Association by Mr. Houston, if I mistake not; that would probably be correct?—I am not aware. Certainly it is correct because it was anti everything.

93,458. Anti everything, I think you said?—So far as Parnellism is concerned in the separation of the two countries.

93,459. When was a London office of the Loyal and Patriotic Union established?—In 1886.

93,460. Where?—At Palace Chambers, Westminster.

93,461. Did the Association employ itself in the issue of various pamphlets?—Yes.

93,462. What may be called literature?—Yes.

93,463. Do you recollect a pamphlet called "Ipsedixit"?—I do.

93,464. Written by a gentleman who I think was?—By Dr. Webb.

93,465. Was that paid for by the Loyal and Patriotic Union?—I cannot answer the questions of the financial payments; the secretary is here, and can give you the full information; he is under subpoena with all the books, and will give you any information you want.

93,466. I want to get what I can from you?—I say I cannot answer that.

93,467. You say you do not know?—I may make a statement that is incorrect; I believe it was paid for by the Union.

93,468. I only want to get your belief; when was that?—That I do not recollect; I fancy it was 1886, or towards the end of 1886, I should think.

93,469. Was the price paid 200 guineas?—I do not know.

94,470. That was, I believe, a publication of higher literary merit, and of the nature of "Parnellism Unmasked"?—I have never read "Parnellism Unmasked."

93,471. So that you do not know?—I do not know.

93,472. When did you first learn that Mr. Houston was in communication with Pigott?—Not till subsequent to my return from America; I went to America in January 1887, and I returned in the August of that year, and it was not until subsequent to that that I heard of Mr. Pigott's name. I never saw Mr. Pigott in my life, and never had any communication with him.

93,473. I am not suggesting that you had; you returned, I understand, in August, 1887?—Yes.

93,474. And then you learned that Mr. Houston was in communication with Pigott?—I do not say I learnt in August.

93,475. When?—I learnt it some time subsequent; in 1887.

93,476. Subsequent to your return?—I learnt it in conversation about the letters; but I do not think I learnt it until the autumn of that year, much later.



12 July 1889.]

JONATHAN HOGG.

[Continued.]

93,477. Did you learn or not that he had been in communication with Mr. Woolf Flannagan?—I am not aware I heard that he had been in communication with Mr. Woolf Flannagan.

93,478. Did you learn that he had been in communication with the "Times"?—Yes.

93,479. From whom did you learn these things?—From himself.

93,480. Were they discussed at meetings of the board?—No, never.

93,481. Were then did you learn them?—In private conversation, casually.

93,482. What?—In casual conversation.

93,483. Did you know that Mr. Houston had been engaged, as a paid agent of the "Times," in getting up this case?—I am not aware of it.

93,484. Did you read his evidence?—I did not read the whole of it.

93,485. Is he still and has he been in the service of the Association as their paid secretary?—Certainly.

93,486. Receiving his salary?—Certainly.

93,487. And is still?—He is still.

93,488. Is there any book which will tell, or do you know of your own knowledge—we will hear from Mr. Houston presently—but do you know of your own knowledge whether there is any book which will tell the names of the finance committee in 1886?—I expect there is.

23,489. You have no information yourself?—I have not seen the books.

93,490. You, I think, are a Dublin man?—Yes, I am.

93,491. And lived there all your life?—Yes.

93,492. Did you know Pigott by reputation?—I never saw him or heard of him. I never saw him and knew nothing as regards his character, good or bad.

93,493. My question is, did you know him by reputation?—No.

93,494. Did not know him even as an Irish journalist?—I knew him as an Irish journalist, but nothing more.

93,495. Do you know of your own knowledge or from any statement made to you by Mr. Houston of moneys being advanced to him by the Loyal and Patriotic Union?—None were advanced that I know of.

93,496. None of your own knowledge?—None that I know of belonging to the Loyal and Patriotic Union.

93,497. Advanced to Houston?—Advanced to Houston further than as secretary.

23,498. Let me ask you this—what books were kept by the Local and Patriotic Union?—Ordinary books that would be kept in an ordinary association. I really cannot tell you. I have nothing whatever to do with the keeping of the books, but the secretary is here under a subpoena, and he will produce them.

93,499. You have told us that more than once, and I am aware of that fact; but I want to get the account from you. Tell me what books you think were kept?—There was a minute book of the proceedings of the committee, and there are the usual cash books and the ledger. There is nothing exceptional.

93,500. Was there a cheque draft book kept?—I do not know.

93,501. Was there a list of the subscribers kept?—I should think so.

93,502. Have you not seen it?—I have not seen it.

93,503. Do you know how subscriptions for the purposes of the association received by Houston in London or in England, how they were dealt with by him?—They were remitted to the office. The Dublin office being the head office, all transactions took place there.

93,504. Do you know in what form they were remitted?—I cannot say. I presume by cheque.

93,505. Can you tell me whether they were remitted in this form by payment into Mr. Houston's private account in London, and then remitted to him by cheque upon his private account to Dublin?—I cannot tell you.

93,506. You do not know?—I do not know.

93,507. You do not know a book called—I do not think I gave you the correct name—the entry of cheque books?—I do not know it.

92,508. Had you anything to do with the signing of the cheques at the meetings at all?—Yes.

93,509. That you had?—Yes, I was authorised to sign at the bank.



12 July 1889.]

JONATHAN HOGG.

[Continued.]

93,510. Although not a member of the finance committee?—Although not a member of the finance committee.

93,511. Who else would sign besides you?—Well I think Mr. Russell, M.P., was entitled to sign.

93,512. There were several names?—Yes.

93,513. That would be T. W. Russell?—Yes. Mr. James Wilson, I think, was authorised to sign, and Mr. Maurice Dockrell.

93,514. I am referring to 1886?—I am referring to the whole period, there is no change in the names.

93,515. From 1886 downwards?—Yes.

93,516. Was there also what was called the London Daily Statement?—I am not aware of it.

93,517. Forwarded from London?—I am not aware of any daily statement forwarded from London.

93,518. Was there a morning receipt book in Dublin?—I cannot tell you.

93,519. Was there an A.B.C. ledger?—I cannot tell you.

93,520. You cannot tell me at all what books were kept?—I cannot tell you that.

93,521. Do you recollect when the London office was started, which I think you have told us was in 1885?—1886.

93,522. Was Mr. Farquharson the secretary at the London office at first?—No, there was no secretary there. I think Mr. Farquharson was in Dublin at the time.

93,523. Who was in charge of the London office?—I do not recollect who was in charge of the London office at the time.

93,524. Who were the other gentlemen acting as secretary or clerks whose names you can recall?—Mr. Farquharson was employed at the time, and Mr. Carlton, I think, was employed at the time.

93,525. Who else?—Mr. Schöne.

93,526. Mr. Schöne, what was he?—He was cashier.

93,527. Who else. I am trusting to your recollection at present?—I cannot recollect the other. There was another gentleman, whose name I entirely forget at the moment.

93,528. I must ask you, as you signed cheques, were you aware of a sum of money being voted by the Loyal and Patriotic Union to be given to the late Dr. Maguire?—I do not recollect a sum given to Dr. Maguire.

93,529. Voted with a view of being given to Dr. Maguire?—I do not recollect.

93,530. Try and charge your recollection and see whether you do not recollect something about it?—I do not, Sir Charles. I do not recollect any sum paid to Dr. Maguire.

93,531. No; I say voted with a view to be given to Dr. Maguire. Let me remind you in reference to the "Ipse Dixit" for which you believe 200*l.* was paid to Dr. Webb?—I do not know the amount.

93,532. Do not you know that was voted in the name of Mr. Uniacke Townshend, to be given to Mr. Maguire?—I do not.

93,533. Do you hear that for the first time?—Now you mention it I may have heard it before. I think it was paid to Dr. Webb direct, whatever was so paid.

93,534. Do you say you have no recollection of any money being voted with a view of being paid to Dr. Maguire?—Certainly not. I have no recollection of any money being paid directly or indirectly to Dr. Maguire.

93,535. I will put the same question with regard to Sir Rowland Blennerhassett?—Or to Sir Rowland Blennerhassett, further than I think I asked the question, and I think there was a cheque paid for a few pounds for some travelling expenses to Sir Rowland Blennerhassett.

93,536. That is the only cheque in his name?—Yes, that is the only cheque in his name.

93,537. Have you in any way been party to the payment of any sum of money to Mr. Houston other than as secretary?—It has been sworn in Court here that I paid him some money.

93,538. What was that?—Mr. Houston in his evidence swore that I gave him 250*l.*

93,539. When was that?—Well, I am quite willing to go into the matter. I am



12 July 1889.]

JONATHAN HOGG.

[Continued.]

entirely in your Lordship's hands as to whether that matter should be gone into, but it is in connexion with the letters I gave Mr. Houston the money without the slightest knowledge of what it was for, and if you wish I am quite willing to tell you the whole of my transactions from 1885, 1886, and 1887.

93,540. First of all you did give him 250*l.*?—I gave him 250*l.*

93,541. Was that your own money?—Yes.

93,542. Was it repaid to you in any way?—It was sworn it was repaid, and it was repaid.

93,543. Not repaid by the association?—Nothing to do with the association. If you wish I will tell you the whole story. My first transaction with Mr. Pigott was a sum of 50*l.*, which I paid him on the 20th April 1880, in the office of the Loyal and Patriotic Union. Mr. Houston asked me if I could give him a temporary loan of 60*l.*

93,544. What date was that?—The 30th April 1886. He said he only wanted it for a few days, and I asked no question. I said, I am going over to the Royal Bank, and if your brother (who is since dead) comes with me I will give it to him for you, and I drew a cheque for 70*l.* and handed him 60*l.*, which Mr. Houston repaid me on the 12th May following, 12 days afterwards.

93,545. That was the first, now the next?—Previous to the next transaction, which took place on June 18th, Mr. Houston asked—

93,546. 1886 as well?—1886. Mr. Houston asked if I could give him or obtain for him a sum of 300*l.*, as he might require it. I asked him what he wanted it for, and he told me it was a private matter. I said I would consider it, and I saw him again a few days afterwards, and I told him I did not understand what he wanted such a sum of money for, that as secretary of the Loyal and Patriotic Union, and as one of the members of the committee, I did not see I could offer him that assistance without knowing what it was required for. He again told me it was a purely private matter, and I put a question to him as to whether he was engaged in any speculation on the Stock Exchange, or any Stock Exchange matter, or whether he was in difficulties; and he told me he never had a Stock Exchange transaction in his life. And he again reiterated the money was required for private purposes, and it would be a very great advantage to him if he could have the command of 300*l.* I then told him, I do think that day, but I think a couple of days afterwards, that I had considered it more fully, and I then told him that he could have the money if he required it, and on the 18th June he came to me and asked me for 150*l.*, which I gave him. My next transaction with him was on the 18th October, when I gave him another 100*l.*, still being in perfect ignorance of what the money was required for. Another transaction will appear in my cheque book on September 17th—

93,547. Still 1886?—Still 1886. It is a sum of 100*l.* That sum of 100*l.*, although it appears as down to Houston, and if my books are examined by you, you will naturally call attention to it, was not for him; but was given to his brother, who was then dying, and whose life I was anxious, if possible, to save, and I gave him 100*l.* to go to Australia.

93,548. I accept that if you say so. That has nothing to do with him?—No.

93,549. What was the payment he got?—60*l.* and 250*l.*, which was paid at first.

93,550. 310*l.* altogether?—Yes, in 1887 Mr. Houston paid me on August 28th, 100*l.*, and in 1888 on February 3rd he repaid me 150*l.*

93,551. Then your statement as regards that, which I accept, is, that this money which was paid in the way you described; he told you it was for a private matter, and had nothing to do with any money trouble arising out of Stock Exchange transactions. You guessed it was some secret enterprise?—No, I did not, I thought it was some family affair, and that it was no business of mine. I knew Mr. Houston before he was secretary of the Loyal and Patriotic Union and I had regard for him.

93,552. You have told us, as far as Mr. Houston was concerned, you heard of his connexion with Pigott on your return from America in August 1887; had you heard nothing about a payment in relation to Parnellism and Crime being made before that?—I am not aware of any payment.

93,553. We have heard of a sum of 60*l.*?—I was not aware of it.

93,554. Paid by Pigott in that regard; you had heard of it?—I had not heard of that.

93,555. And you had not heard of your association or any prominent members of your association being in communication with Pigott?—No; certainly not.



12 July 1889.]

JOHNATHAN HOGG.

[Continued.]

93,556. Before August?—Certainly not. I never heard of any prominent members of the association being in communication with Pigott.

93,557. At any time?—At any time.

(*The Attorney-General.*) I have no question to ask.

Mr. JOSEPH SOAMES recalled, further cross-examined by Sir CHARLES RUSSELL.

93,558. Mr. Soames, in the proceedings at page 3570 you were being cross-examined as to payments made to witnesses, and you then said, "I will give you the account of every witness, if you like," in answer to Mr. Reid?—I recollect the circumstance.

93,559. Have you prepared such a list?—Mr. Reid did not accept my offer, and the subject has been a matter of correspondence between him and myself since. I have not prepared the list.

93,560. I think it is hardly correct to say he did not accept it?—Perhaps you will refer to Mr. Reid himself, or see the correspondence.

93,561. Certainly. Mr. Reid has told me the purport of it. It is the last question on the page:—

"Are there any other witnesses to whom such large sums have been paid?—

"(A.) Do you mean as to the amount of their expenses? (Q.) Yes?—(A.)

"Undoubtedly. (Q.) And larger sums?—(A.) I will give you the account of

"every witness, if you like. (Q.) I should very much like to have it?—(A.) I

"may say generally about the expenses of the witnesses."

and so on. I do not see that Mr. Reid said that he did not wish to have it?—I meant I would produce it in the box, as the correspondence which has taken place between us since shows.

93,562. You have no list?—I said I had no list made out.

93,563. You can make out such a list?—At very considerable trouble, and of course it goes to many sheets of the ledgers.

93,564. I wish to have it, Mr. Soames, whatever it goes to?—If the Court thinks that any evidence I can give is material, of course I will supply it.

93,565. Or if you produce the ledger in which the items appear separately it would save the trouble of making the list?—I do not think it would. Payments were made on account; when a witness was over here, he had 10*l.* one day, and another day he had another 10*l.* That would give you no information, and the compilation would take a considerable time.

93,566. I must respectfully press for the list all the same, in some form. When did you first hear of Le Caron, or Beach, as a probable witness in this case?—I cannot tell you the date without reference.

93,567. Will you refer please?—I cannot refer here. I can refer at my office. I had no kind of notice that you were going to call me this morning. If I had, of course I would have come prepared to answer any question.

93,568. I have already explained to the Court that I am sorry you have not?—I have had none, not until you mentioned it yourself this morning at half-past ten.

93,569. That is quite correct. Can you tell me, was it in the early part of December 1888?—I cannot tell you within any period until I refer to my documents; I can tell you then.

93,570. Did you hear of him first through your agent in America?—I did not.

93,571. Did you hear of him from your agent in America?—I did not.

93,572. Did you hear of him first through anybody in America?—I did not.

93,573. Did you have any communication in reference to him with any agent in America?—I did not.

93,574. I do not want to have any misunderstanding of the meaning of the word "agent"?—With nobody in America.

93,575. You had no communication of any shape or kind?—Of any shape or kind with anybody in America at any time with reference to Le Caron.

93,576. You are quite clear?—Quite clear.

93,577. You received no communication by cypher, telegram, or otherwise?—No.

93,578. In relation to him?—No.

93,579. And sent none?—And sent none.

93,580. You are quite clear about that?—Positive.



12 July 1889.]

JOSEPH SOAMES.

[Continued.]

93,581. Then I must again ask you, through whom or from whom did you first hear of him?—Mr. Macdonald.

93,582. The same Mr. Macdonald?—The same Mr. Macdonald.

93,583. And at present you cannot tell me very accurately when you heard of him?—I cannot. I could not fix it even approximately until I refer to my papers, then I can tell you the actual date.

93,594. Has any arrangement been made with Le Caron as to remuneration?—No.

93,585. Any understanding arrived at?—I have had even no discussion with him at all upon the subject in any form, but I might tell you at once he will be provided for.

93,586. Has any understanding been arrived at?—Not with him, no.

93,587. No, but with anybody representing the “Times”?—Do you mean has anybody made any direct arrangement with Dr. Le Caron with regard to remuneration?—Since he has been here I have paid him a weekly sum myself.

93,588. From whom did you learn that the arrangement was, or the understanding was arrived at, that he should be provided for?—I did not say there was any arrangement. I said he will be provided for.

93,589. From whom?—Mr. Macdonald and myself.

93,590. You heard that from Mr. Macdonald?—It has been the subject matter of discussion between Mr. Macdonald and myself, but not with him.

93,591. Was there any stipulation, to your knowledge, before he came into this country as to his remuneration?—No.

93,592. To your knowledge?—To my knowledge he came over, I believe, originally to attend the funeral of some relative, and volunteered to give evidence.

93,593. And you have not been told. My first question was as to your knowledge; you have not been told by Mr. Macdonald, or by anybody connected with the “Times,” that any arrangement or stipulation was made as to his remuneration before he came?—I say at once that there has been no discussion of any kind with Le Caron himself as to any remuneration that he is to have or any provision that is to be made for him.

93,594. I understand you to have said so as regards Le Caron?—Yes.

93,595. My question was as regards—?—I was going to tell you that with reference to the gentleman who introduced him he has been told what provision shall be made for him.

93,596. Who is that gentleman who introduced him?—Mr. Anderson; he went to Mr. Anderson and expressed his willingness to give evidence, and Mr. Anderson understands that Le Caron is to be looked after.

93,597. Have you a registered telegraphic name and address?—Yes, I have got two or three.

93,598. What are they, or what is it?—“Vogue” is the foreign one, taken from a town in Jamicia, and “Assert” is the American one.

93,599. Did Mr. Macdonald communicate with America to your knowledge?—Not to my knowledge.

93,600. Before Le Caron came?—Not to my knowledge. I should say that my knowledge would lead me to conclude that he did not.

93,601. Before I leave what you said about Mr. Anderson, what do you say was the arrangement with Mr. Anderson as to the remuneration to Le Caron, or the understanding?—Mr. Anderson has been told that inasmuch as he has lost his employment in the Government service that as long as he needs assistance, if he is without means, we shall have to make it good to him.

93,602. Do you mean that is the only form?—Yes, that is the form of it. I do not know what he is having, what his pay is, but I think he told you in the box what he had.

93,603. When did you learn that from Mr. Anderson or from Mr. Macdonald?—I never learnt it from Mr. Anderson at all. I could tell you by reference, but I cannot tell you from recollection when I learnt it from Mr. Macdonald.

93,604. Was it recently or was it some months ago?—It was some time ago.

93,605. Was it before he came into the box?—I should think it was, yes, I should say it was.

93,606. Was there any witness in America whose name you described as Henry?—Any witness that I described as Henry, no, I have described nobody as Henry; a person has been described to me as Henry.



12 July 1889.]

JOSEPH SOAMES.

[Continued.]

93,607. Who was that person?—Sheridan.

93,608. Is his name Henry?—No, I believe not, I think his name is P. J. Sheridan, we have had it here often enough. I could not say that is positively so, but I believe he has been on one or more occasions described as Henry. I believe at one time he passed under the name of Henry in America.

93,609. Was there any witness that you described as F. M.?—No.

93,610. Or who has been described to you as F. M.?—No, I have not the slightest recollection of F. M. in connexion with any person.

93,611. Are you sure?—Yes.

93,612. You are quite sure Mr. Soames?—Yes, quite sure.

93,613. You have several agents in America, have you not. I am not talking of professional agents at all, not legal agents?—Yes, I have two.

93,614. Only two?—Yes, only two.

93,615. At present?—Well, that is the greatest number I ever had at one time.

93,616. But they were different persons?—Different persons, of course; one person could not be two.

93,617. Different persons at different times?—Yes.

93,618. (*The President.*) Do you mean in all more than two?—I have not always had the same agents.

93,619. (*Sir C. Russell.*) That is what I meant, you have not always had the same agents?—One has been pretty much continuously my agent, and another, from one reason or another, I have had to employ him for other purposes, and I have sent somebody else.

93,620. Were you a party to Pigott being employed by the "Times" to visit convicts in prison?—He was never employed on behalf of the "Times" to visit convicts in prison, consequently I could not be a party to it.

93,621. Were you a party to his being so employed?—I say he never was so employed.

93,622. Were you a party, as representing the "Times," to his paying a visit to convicts in prison?—No, I was not aware of it until after he had done it.

93,623. You are quite sure of that?—Positive of it.

93,624. How did you learn, in fact, that Pigott had visited convicts in prison?—Some time after I heard it, I think you cross-examined on the subject, if my recollection is right, and I made inquiry about it; no, a question was put in the House of Commons.

93,625. I do not think I cross-examined about it?—No, a question was put in the House of Commons, and then I think it was only one convict, so far as I recollect; I am not sure that I did not hear it some time previously to that, now I come to think, but I cannot quite recollect the date when it was. I know I made inquiry about it subsequently to the question in the House.

93,626. From whom did you learn; you said you inquired, you know?—I wrote to Mr. Houston for information about it.

93,627. I want the two letters I asked for; there are some separate letters there in the same handwriting. Let me read you this, Mr. Soames, and ask you is this correct?—Will you kindly give me the date?

93,628. "November 1888?—"

"I was talking to Mr. Soames to-day, and he agreed with me that it would be a good thing for you to take advantage of the permission to visit Jack Daley, conveyed in the Governor's letter. Perhaps you can cross to-morrow night for this purpose. Mr. Soames will supply you with a further cheque on arrival."

Is that true?—No, there is a misunderstanding about it.

93,629. (*Mr. Justice A. L. Smith.*) Who is that from and to, Sir Charles?

(*Sir C. Russell.*) It is signed by nobody, but it is Mr. Houston's writing.

(*The Witness.*) You will find by a subsequent letter that I wrote to Mr. Houston, I should be very glad to supply you with a copy of it, which shows that there is a clear misunderstanding between us.

93,630. You know this is November 1888?—I am quite aware of it, and my letter is written not very long afterwards.



12 July 1889.]

JOSEPH SOAMES.

[Continued.]

93,631. I think you will find it is not altogether a mis-statement. You have told us you never heard anything about Pigott visiting convicts in prison until your first suggestion was on my cross-examination, in which I think you were not accurate?—No, I corrected myself.

93,632. And then the question being put in the House of Commons?—Yes.

93,633. Was any question put in the House of Commons about the matter until long after November 1888?—I do not recollect when the date was, but I know at that time I had a correspondence with Mr. Houston about it, and I asked him the fact—in fact I will produce the letter, that would be the better plan. I will send for it.

93,634. Certainly, I have no objection. You know this was the second month in which the Commission was sitting; it did not sit for regular hearing until the 22nd October?—Yes, it is possible Mr. Houston might have mentioned the subject to me, but my recollection is that he did not, as you will find from the letter I subsequently wrote to him. I have no recollection of his ever having mentioned the subject to me at all.

93,635. I may as well read the whole of this letter, which is signed Yours, &c., the 21st November 1888:—

“I have your letter, and I am glad to find by the concluding sentence  
“ that you take a reasonable view of matters, despite the fact that recent events  
“ have not been of a satisfactory character. I have no desire except to see you  
“ satisfactorily through this business, and I am very much disappointed to find  
“ that you fail to realise your best policy under the circumstances is to do  
“ everything you possibly can to help “The Times.” I hope that from this, out,  
“ your conduct will be pointed with this view, and that you will by your future  
“ action be able to thoroughly retrieve your position. I was talking to Mr.  
“ Soames to-day, and he agreed with me that it would be a good thing for you to  
“ take advantage of the permission to visit Jack Daley conveyed in the Governor’s  
“ letter. Perhaps you can cross to-morrow night for this purpose. Mr. Soames  
“ will supply you with a further cheque on arrival.”

By that letter he had already obtained the order to visit Daley, quite independently of me.

93,636. That we do not know?—I say it was so, and the letter infers it.

93,637. Independently of you, you mean?—Yes, and nothing to do with me.

93,638. Did you give him a cheque on arrival?—I could tell you by reference; possibly I did. I mentioned I gave him several sums in the witness box, and it may have been one of those. To ask me if I can recollect whether I gave him a cheque on the 18th November without referring, I cannot do it.

93,639. I do not suggest that you carry the exact date in your mind?—I think I gave him, my recollection is, about 40*l.* altogether.

93,640. I suppose the cheque you gave him would have some relation to the work he was doing, or the expense he was put to?—I did not pay him the ordinary allowance of a witness. In fact I did not allow him sufficient to pay his hotel bill.

93,641. What was the allowance?—I say I did not pay him the ordinary allowance as a witness. I did not make him any allowance.

93,642. What was your allowance?—I did not pay him, at any rate. I gave him various sums amounting to, as far as my recollection goes, about 40*l.*, and that was, considering the time he was over, not sufficient to pay his hotel bill.

93,643. May I remind you, Mr. Soames, what business had you to pay him any money at that time at all. Was he subpœnaed as a witness for the “Times” at that date? Yes.

93,644. When he was subpœnaed?—In November.

93,645. What date in November?—I cannot tell you from recollection; I think I gave it to you in my evidence in chief.

93,646. I daresay you did; will you undertake to swear he was subpœnaed then?—To the best of my recollection I had taken his statement before that; he was a witness for the “Times” before that, at any rate. I took his statement on the 19th October, and I had him over at the Court for the purpose of taking his statement, and I kept him waiting about here.

93,647. Were you aware that Pigott visited more than one gaol?—No.



12 July 1889.]

JOSEPH SOAMES.

[Continued.]

93,648. Are you sure?—Yes.

93,648a. Quite sure?—Yes.

93,649. Are you aware that he visited the man referred to, who Mr. Houston calls Jack Daly in this letter, more than once?—No.

93,650. Are you sure?—I say no, I have answered the question.

93,651. I mean are you stating that he did not or that you are not aware that he did?—I am not aware that he did. I may tell you that I had no reason to send Pigott to see Daly, because I saw him myself.

93,652. Did any police officer see him?—No, not to my knowledge.

93,653. Are you quite sure?—Quite sure, I saw himself.

93,654. Do you mean to say that you have not learnt?—I have not learnt that any police officer saw him.

93,655. Do you know that Inspector Littlechild visited him?—No, he has not visited him on my business; he may have visited him, and probably has. I do not know what is going on in Scotland Yard.

93,656. I ask you do you know?—I have answered the question, I do not know.

93,657. Or have you heard?—No.

93,658. Have you brought over here James Mullett?—Yes.

93,659. Daniel Delaney?—Yes.

93,660. P. W. Nally?—Yes.

93,661. Were they visited by your direction, or to your knowledge by Mr. Shannon?—Not when they were over here.

93,662. Were they visited in Downpatrick?—Mr. Shannon saw Mullett, not in Downpatrick, it may be Downpatrick, the convict prison in Ireland at any rate.

93,663. I am informed it was Downpatrick?—Yes.

93,664. Were you informed that he had visited him more than once?—I think it is only once, but it may have been more than once.

93,665. Did you have a man called Tracey over here from Belfast?—Yes.

93,666. Has he been visited on your behalf?—Yes.

93,667. By whom?—Mr. Thompson.

93,668. Mr. Shannon, I think, is a solicitor?—Yes.

93,669. Mr. Thompson, is he a solicitor?—No.

93,670. A clerk in Mr. Shannon's office?—No.

93,671. A clerk in whose office?—Nobody's; he is one of the gentlemen I employed as my agent to go to America. I got him back from America, and employed his services here.

(*The Attorney-General.*) I may say that it is proved already in the evidence at page 2893 that Pigott was subpoenaed by the "Times" in October.

(*Sir C. Russell.*) I thought it was later.

(*The Witness.*) I know it was the 9th October I took his statement.

93,672. (*Sir C. Russell.*) Who did you say visited Tracey?—Mr. Thompson.

93,673. More than once?—I think only once.

93,674. What is Mr. Thompson?—He is an independent person, nothing at all.

93,675. A private detective, or something of that nature?—He would be rather offended, I daresay, if you called him a detective.

93,676. Did you learn that Tracey had been visited about the same time by Head Constable Preston?—I know that Preston had been in communication with Tracey both before and after his removal to England, and for some months.

93,677. Is Head Constable Preston an Irish or an English police officer?—He is Irish, as the title of head constable would infer.

93,678. Inspector Littlechild, is he Irish or English?—He is in the Detective Department of Scotland Yard.

93,679. That is to say, in Mr. Anderson's department?—Whether he is in Mr. Anderson's department or under Mr. Monro, I cannot tell you, he is in the Criminal Investigation department.

93,680. Will you give me a letter of the 5th January 1889, Mr. Cunynghame (*the same was handed to Sir Charles Russell*). Do you or do you not know that it was Mr. Houston who arranged for the visit of Pigott to this convict that I mentioned?—No, unless Mr. Houston in his subsequent letters to me told me so, but I have no recollection of the fact.



12 July 1889.]

JOSEPH SOAMES.

[Continued.]

93,681. I have one or two other questions to ask you about the witness's outlay. A letter was put to Dr. Kenney, purporting to be a copy of a letter written by him to Mr. Patrick Egan, I will remind you of the subjects of it?—I recollect.

93,682. The subject being complaining of Mr. O'Kelly as having been responsible for the bringing about of the Kilmainham treaty.

(*The Attorney-General.*) There was a good deal more than that.

(*Witness.*) There was a great deal more than that, but if you are going to ask me about the fact of the letter I recollect it.

93,683. (*Sir C. Russell.*) Where did you get that from?—It came from Scotland Yard.

93,684. From whom?—I cannot tell you who the man was who produced it; I made the inquiry. I had the name of an officer to produce it.

93,685. You did not dream of the existence of that letter?—You asked me who produced it.

93,686. I am not complaining of that. Who informed you that that letter was there?—That I cannot tell you. I knew of its existence sometime ago, but who told me I do not know.

93,687. Did you learn it from Scotland Yard?—I rather think I did, but that I will not be quite certain about.

93,688. Was it from Mr. Anderson?—No, I had two or three witnesses under subpoena from Scotland Yard, and also some of the Irish Constabulary, and it was from one of the witnesses I had under subpoena that I heard of the existence of these letters.

93,689. Some police officers you mean?—Yes.

93,690. Or Some detective?—Somebody connected with the police service.

93,691. I wish to put it to you particularly, was it not somebody connected with the detective department of Scotland Yard?—My recollection is that it was not. It was an ordinary police officer, my recollection is.

93,692. Connected with Scotland Yard?—Yes, not in the detective department.

93,693. You think not in the detective department?—No, I think not in the detective department.

93,694. We have also had copies of letters said to have been taken from Mr. Matthew Harris's house. From whom did you obtain those?—When I was first of all making the inquiry in the action of *O'Donnell v. Walter* I visited several police officers and several police stations.

93,695. My question was——?—I cannot answer unless you allow me to explain. It was in one of the visits I then made that I found there had been such documents found. I then ascertained by whom they were found—one of the police officers, Mr. Barnevalle, I think the name was, who was subpoenaed here as a witness. I subpoenaed him.

93,696. First of all my question was, from whom did you obtain them?—By subpoenaing the Under Secretary of Dublin Castle.

93,697. You had the copies when the witnesses were produced here?—I had them in the action of *O'Donnell v. Walter*, I told you.

93,698. The originals?—No, I never saw the originals. I subpoenaed the witness in *O'Donnell v. Walter* to produce these, and I took a copy of them.

93,699. We know the documents were taken, copied, and then the originals returned?—Yes.

93,700. Therefore you had not the originals?—I never saw the originals.

93,701. Then my question was, from whom did you receive the copies?—As I have already answered you, in the action of *O'Donnell v. Walter*, I subpoenaed a witness to produce them.

93,702. The question is, from whose hands did you receive them?—I believe from the gentleman deputed by the Under Secretary of Dublin Castle.

93,703. (*The President.*) Whom I understand you had subpoenaed?—Yes, whom I had subpoenaed. I have had nothing without a subpoena.

93,704. (*Sir C. Russell.*) But you had seen them, had you not, before the subpoena?—No.

93,705. Are you sure?—I am sure. I knew of their existence.

93,706. From the officer?—From the officer.



12 July 1889.]

JOSEPH SOAMES.

[Continued]

93,707. Who was the officer?—I tell you it was Mr. Barnevalle; there were no less than five officers mixed up in that transaction. I had them all over.

93,708. I cannot catch the name?—Barnevalle.

93,709. What was he?—An inspector.

93,710. Where?—That I cannot tell you now.

93,711. Where was he?—He was then somewhere in the neighbourhood of Athlone.

93,712. Then, from him, as I understand, you heard of the existence of these letters?—That I cannot possibly tell you. I do not think I heard of the existence of them originally from him.

93,713. From whom?—I rather fancy the first mention of what we call the Matthew Harris documents must have come from Mr. Bolton; but I really cannot tell you with anything like certainty.

93,714. Mr. George Bolton?—Yes.

93,715. Then you ascertained from Mr. Barnevalle, or from Mr. George Bolton, or from both?—Yes.

93,716. That these documents, as they would be, would be at Dublin Castle?—Yes.

93,717. And then you issued your subpoena?—Yes.

93,718. And you did not see them until you had issued it?—No, I did not.

93,719. Have you been in communication with Inspector Littlechild with respect to this case?—No.

93,720. Has anybody on your behalf?—No.

93,721. Are you sure?—I am quite certain; the only communication I had with Inspector Littlechild at all was connected with Pigott, when I gave him information.

93,722. When Pigott disappeared?—Yes; when Pigott disappeared, I telegraphed to Scotland Yard for him at that time, and he came; I have seen him very often here in Court since.

93,723. But you have not been in direct communication with him?—No, he has not been employed in any sense.

93,724. (*Sir C. Russell.*) I want a letter of the 28th February 1889, written by a gentleman in Mr. Soames' office, Mr. Edmunds I think the name was?—I recollect the letter. If you are going to ask me any questions about it, you need not refer to it; it was a letter I handed in to the Court myself.

(*Sir C. Russell.*) While that letter is being got I will go on to the next question.

93,725. You recollect documents of rather ancient date, I think, which I think were called compendiously the Bradford documents?—Will you tell me to what matter they refer, I do not know anything by the name of the Bradford documents.

93,726. They are supposed to refer to Tobin?—Yes, I do recollect them.

93,727. From whom did you get those?—From the chief constable of Bradford.

93,728. Who informed you of their existence first?—I informed myself.

93,729. How?—By searching the records of the newspapers, and finding the trial of the case; and then I communicated with the chief constable. As a matter of fact somebody kindly sent me a copy of the newspaper anonymously.

93,730. Were the documents at Bradford?—The documents were at Bradford.

93,731. With the police there?—Yes, Mr. Withers, the chief constable at Bradford.

93,732. (*Sir C. Russell.*) Have you found the letter of the 27th of February, Mr. Cunynghame?—I can get you a copy of the letter if you want it. It is one I think I handed in myself.

93,733. (*The Secretary.*) Was it put in by anybody?

(*Sir C. Russell.*) No, it has not been put in by anybody?—It was referred to in my own evidence, which I gave with reference to Pigott's suicide and escape. (*The letter was produced.*)

93,734. (*Sir C. Russell.*) This is from one of your clerks?—It is. That letter was written under my direction.

93,735. (*Sir C. Russell.*) This is a letter I think, my Lord, which has not been in. It was referred to by Mr. Soames. I will just clear up the matter. A telegram came addressed to Mr. Shannon, I think?—Yes.

93,736. At your office; from Roland Ponsonby. Mr. Shannon was not in London?—Mr. Shannon was just going off to Ireland that night.

93,737. He was here when it arrived, was he?—Yes.

93,738. He was?—Yes.



12 July 1889.]

JOSEPH SOAMES.

[Continued.]

93,739. I do not think we had got that fact before us?—Yes, indeed you had. I stated it distinctly.

93,740. He understood from whom it came, did he?—I will tell you exactly what happened.

93,741. First of all did you and he understand from whom it came?—Anybody who had read the telegram with ordinary sense would have understood from whom it came.

93,742. So I should guess. Then you directed your clerk to write this answer?—No; that was not the order of events. The moment I got the cablegram I telegraphed to Scotland Yard for Inspector Littlechild to come to me. I was going to answer the letter in a different way. Before I sent the letter I submitted it to the police authorities. I submitted it to Littlechild who went back to Scotland Yard and took the instructions of his superiors. He asked me not to send that original letter I had written, but to write another which would have the effect of keeping him where he was until they could communicate with the police authorities in Madrid and get him arrested.

93,743. I think you said so before?—Yes, but that was not the way you were putting the matter to me.

93,744. I was only going to read this letter which has not yet put in?—Yes, you will find it is referred to by myself in my evidence which I gave.

93,745. I said, not put in. It could not be. It was in Madrid?—But a copy of it could be put in.

93,746. It has not in fact been put in. I think I am right?—You will find I gave a full explanation of the letter and the circumstances under which it was written in the evidence I myself gave.

(*The Attorney-General.*) I think you will find it is in.

93,747. (*Sir C. Russell.*) I think you will find I am correct, that it is not in?—I put in a copy of the cablegram at the same time.

93,748. I think not. I may be wrong, but my impression is it was not. This is the letter:—

“ 58, Lincoln's Inn Fields, W.C.,

28th February 1889.

“ SIR,

“ MR. SHANNON has been called unexpectedly to Ireland, but will be back in a

“ day or so, when he shall have your cablegram.

“ Yours truly,

“ Roland Ponsonby, Esq.,

H. W. EDMONDS.

“ Hotel de Embajadores, Madrid.”

—Yes.

93,749. That is the one you say you wrote in consequence of the suggestion of Inspector Littlechild?—And the suggestion of his superior officer; and it was no doubt the information I gave which led to his arrest.

(*The Attorney-General.*) I have no question, Mr. Soames.

(*Sir C. Russell.*) My Lord, I wish to see that list of payments to witnesses.

(*The President.*) I have no observation to make. It will be produced or not produced.

(*The Attorney-General.*) My friend can put any specific question to Mr. Soames. If he has any question with respect to any particular witness, of course the question can be asked.

(*Sir C. Russell.*) I call attention to the fact that Mr. Soames was asked for it before, and then said he would produce it.

(*The President.*) Will you be kind enough to look into it before you renew the application and see how it stands.

(*Sir C. Russell.*) I know my friend, Mr. Reid's view is that he wishes it.

(*The President.*) That is not quite the point; I mean as to what negotiation has been going on about it, and what the position is.

(*Sir C. Russell.*) Certainly, my Lord; I will refer to that at once.

(*The Witness.*) This is the letter I wrote to Mr. Reid on the 4th April 1889, in reply to the one received from him.

(*The Attorney-General.*) It had better be deferred.



12 July 1889.]

JOSEPH SOAMES.

[Continued.]

(*The Witness.*) My Lord, I am perfectly willing to bring my books and deposit them with the Secretary, if it is thought fit. I have nothing to conceal.

(*The President.*) No; but then that does not quite meet it. Sir C. Russell asks for it to be produced in the ordinary way, in order that he may see it.

EDWARD CAULFIELD HOUSTON, re-called; further cross-examined by Sir CHARLES RUSSELL.

93,750. When do you say the Loyal and Patriotic Union was established, Mr. Houston?—I think in either the month of April or May 1885.

93,751. And you, we have heard, from the beginning were the secretary?—Yes.

93,752. When did you first come to London?—I came to London in 1886. Officially I presume you mean.

93,753. Oh, yes. In 1886?—Yes.

93,754. How long had the London office been open at that time when you came officially?—I think about seven or eight months.

93,755. Who had been in charge of it up to that time?—Mr. Philip Bagenal, and he was succeeded by Mr. John Mulhall.

93,756. Is Mr. Bagenal the same gentleman whose book we have quoted from?—Yes.

90,757. Succeeded by whom?—Mr. John Mulhall.

93,758. At what time did you officially take charge?—I think at the end of 1886.

93,759. That would be about when?—November or December 1886.

93,760. I want to go back, please. Who referred you to Mr. Pigott?—I think in the first instance I suggested Mr. Pigott's own name myself.

93,761. Let me remind you of what you said before. However, who referred you to Pigott?—Do you mean in connexion with a particular transaction?

93,762. Yes. In relation to any particular transaction did anybody refer you to Pigott?—Lord Richard Grosvenor mentioned Richard Pigott's name to me. He is Lord Stalbridge now.

93,763. When was that?—I should think that was about the middle of 1885, the electioneering time.

93,764. Or the autumn of 1885?—Probably the autumn would be more correct, yes.

93,765. You knew that at that time Pigott was engaged, or had been engaged, in compiling "Parnellism Unmasked"?—I did.

93,766. You have read "Parnellism Unmasked"?—Yes.

93,767. And "Parnellism and Crime"?—I have.

93,768. And you know that the materials for the one are very much the same as the other?—Well, one is an elaborated edition of the other.

93,769. Quite so. That is a very good description, I think, of it. Or perhaps it would be fair to say a higher literary form of treatment of "Parnellism Unmasked"?—I think it is a more powerful indictment, yes.

93,770. I say of higher literary merit and force; and it has the additional attraction of the letters?—It includes the letters, quite so.

93,771. That probably is what gives it its greater pungency and force?—No, I do not think so. I think the difference between the two is that one gives chapter and verse for the statements, and the other is rather a general statement.

93,772. Your connexion with Pigott at that time, I think, was simply paying him a sum of money to assist him in the publication of "Parnellism Unmasked"?—I think I bought the copyright of the work from him.

93,773. That was it, was it?—Yes, I think so.

93,774. How much did you pay him for it?—60l., I think.

93,775. I do not think we had that before. Then was the publication of "Parnellism Unmasked" a publication that you yourself had undertaken?—"Parnellism Unmasked" was the name given to the book as published by Pigott. "Parnellism," I think, was the name given to the book as republished by myself.

93,776. Was that re-published by the Loyal and Patriotic Union?—Well, the Loyal and Patriotic Union money went to pay the 60l. for it. The 60l. was given me by the Loyal and Patriotic Union for the purpose of buying it.

93,777. And you were recouped by the sale, I suppose, so far as there was a sale?—I do not think there was any sale.



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

93,778. What?—There was not much sale.

93,779. It was gratuitous?—It was gratuitous. It was for gratuitous circulation. It was an electioneering time. It was used for that purpose.

93,780. Had you anything to do with *Ipse Dixit*?—Well, I was the secretary of the association that paid the money for it. I had connexion with it in that way.

93,781. Did you pay the money?—Personally, no.

93,782. Do you recollect how it was paid?—I do not, not at the moment.

93,783. What?—I do not recollect at this moment.

93,784. Can you, by referring, see whether the suggestion I made to Mr. Jonathan Hogg is right, namely, that instead of the money being paid direct to Mr. Wood, who is now a County Court judge, I think?—Yes.

93,785. It was paid to Mr. Townsend to be given by Townsend to Mr. Wood. Can you refer to anything?—I can do so, and inform you subsequently.

93,786. Will you just refer now that you are here. What book would it appear in?—It appears in the Dublin books, of which Mr. Cox, the assistant secretary, has charge, and he is under subpoena, and I presume will be able to answer the question when he comes.

93,787. But you have the books here. I would rather you referred to them?—Probably you will let Mr. Cox do it.

93,788. Certainly. I will go on meanwhile with something else. When was it you acquired the copyright of “Parnellism Unmasked”?—At the time of purchase I bought it outright for 60*l.*, and took a thousand copies.

93,789. When?—I should think it would be in the month of August 1885. I am not quite certain as to the month; about that time.

93,790. “Parnellism Unmasked” was the title which Pigott, I understand, was giving to it?—Yes.

93,791. Your title was “Parnellism” simply?—Yes, that is my recollection of it.

93,792. But I understand you to say that the material for the pamphlet was supplied by Pigott, and Pigott alone; and that you, in the edition which you called “Parnellism,” simply excised certain portions of it which you thought were rather strong?—Quite so.

93,793. Now when you assumed charge of the English office did you open a bank account?—Did I personally open one?

93,794. Yes?—Of course there was a Union Bank in London at the time. Yes, I did.

93,795. Was that in the name of the Loyal and Patriotic Union or in your own?—An account had already been opened in the name of the Loyal and Patriotic Union when I took charge of the office. I opened a private account when I came to London. They were two separate accounts. That is my own personal account as distinct from the Loyal and Patriotic Union account.

93,796. Was there an account for the Loyal and Patriotic Union kept open at the Union Bank?—Not in the Union Bank as a Union Bank; in the Westminster branch of the Imperial Bank. I think we had three bankers in London. We had Hoare’s Bank in Fleet Street and the Imperial Bank, and Robarts, Lubbock, and Company.

93,797. I think you do not understand. I understand these three were open to receive subscriptions?—And played the part of our London bankers. We kept our London office account in the Imperial Bank. Perhaps that is what you want?

93,798. That is what I want to get. The others would be merely accounts not to draw upon?—But to receive subscriptions.

93,799. But open to receive subscriptions for the objects of your association?—Quite so, yes.

93,800. Was the account at the Imperial Bank in the name of the Loyal and Patriotic Union open long?—It is open at the present moment.

93,801. And has continued open?—It has been running since we opened our office in London.

93,802. Do you mean to convey that through your own private account passed only private moneys?—Quite so.

93,803. Nothing else?—Nothing else.

93,804. No payment in of subscriptions to the Loyal and Patriotic Union?—No.

93,805. Nothing of that kind?—No.



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

93,806. Are you quite sure?—Quite certain. I do not know exactly what you are referring to; but in some cases I have taken ready-money from Farquharson and given to him my cheque, so that he might be saved sending to Dublin and getting postal orders for small amounts, but nothing like large amounts. I wish to avoid confusion. That is the only case in which my private account would be used for the purpose of communicating with the Dublin office.

93,807. That, I think, conveys an answer to what I did want to know. You undertake then to say that your private account was not made the medium of conveying to Dublin subscriptions which came in for the purposes of the Loyal and Patriotic Union?—I say so emphatically and distinctly.

93,808. It was not?—It was not.

93,809. Therefore your account would be a small private account?—A small private account for my own salary and my own purposes.

93,810. Whatever small means you had, whatever means you had. I want you to tell me who were the persons who referred you to Pigott. You did not give me the others. You said you were referred by two or three persons to Pigott?—If I remember right, I mentioned to those who were associated with me in the electioneering time of 1885 that it would be a very good thing to have a pamphlet written on this.

93,811. "Who" is my question?—I could not give you the names of those at the moment really.

93,812. Try and recollect?—No, it is a difficult matter. It is four years ago, and a large number of things have happened since then.

93,813. Can you recollect no name?—I should not like to bind anybody.

93,814. It is not a question of binding anybody?—Pardon me, I think it would eventually develop into that, because if I mention a name now, you would probably wish to associate that name in a wrong sense with the mention of Pigott's name.

93,815. Who were the persons? You mentioned when you were examined, several persons; "two or three political persons," I think, was your expression?—Yes, I called them political, because they were associated with me in political work. I think the suggestion sprang from myself; and the person who particularly referred me to Pigott, if I remember right, was Lord Richard Grosvenor.

93,816. On the previous occasion, I think your expression was "two or three prominent politicians"?—I do not think so.

93,817. I rather think that was the expression.

(*The Attorney-General.*) Where is it?

(*Sir C. Russell.*) We will get it.

93,818. Could you now say who they were?—I cannot.

93,819. Have you no opinion, or recollection, or belief who they were?—I have no such strong recollection as would admit of my saying it definitely. I had to do with a large number of people in Ireland, in connexion with the election of 1885, and it would not be fair to select one or two, simply as a matter of loose recollection.

93,820. When was the next time you purchased the copyright of "Parnellism Unmasked." Who published it, by the way, for you; who printed it?—I think the printers who had the plates here in London, Clay and Son, I think it is, in Queen Victoria Street.

93,821. Who printed "Parnellism" simply?—They printed it also; they printed the revised edition also; the printers who had originally printed it.

93,822. The same printers?—Yes.

93,823. When did you see him again?—Pigott? I think I saw him in the month of December 1885.

93,824. Was that the occasion on which you asked him to endeavour to supply you with further material for the pamphlets?—Yes, it was.

93,825. And if possible, any documentary evidence which was obtainable?—Yes, it was.

93,826. To sustain the allegations and suggestions made in the pamphlet, did you say it was for a newspaper publication, or publication in the shape of a pamphlet?—I did.

93,827. It is page 2973. And that whatever he supplied would be for newspaper purposes alone, and you would not supply the information to the Government?—Quite so.



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

93,828. Had you a newspaper in your mind at that time?—I had not.

93,829. When did you first form a plan of dissemination through an English newspaper?—I think shortly before I saw Mr. Stead, of the "Pall Mall Gazette."

93,830. That would be when?—That would be about April or May 1886.

93,831. Who was it who brought you to Stead, or sent you to Stead?—I met Mr. Stead by appointment; an appointment arranged by Mr. Albert Grey, if I remember right.

93,832. Now, you said that up to that time, the time that the first batch was certainly forthcoming, you had been relying on your own resources, or you had got assistance from your friends; that was not correct, so far as the 60*l.* was concerned, that you had got from the Loyal and Patriotic Union?—Oh, but that was a different transaction; that was a transaction which closed at the election of 1885.

93,833. I quite agree, but your answer was general. You say, "I borrowed it." Now you follow it up by saying, "I did not tell my friends particularly what I wanted it for." From whom had you borrowed it?—I borrowed it from Lord Richard Grosvenor, Mr. Hogg, Professor Maguire, and Sir Roland Blennerhassett, the four I have given you already.

93,834. I wish to ask you about Lord Richard Grosvenor particularly. Was it in February or March 1886 that you got the money from Lord Richard Grosvenor?—I did not get the money altogether. I think the last payment was made to me in February or March. I think I got it in hundreds.

93,835. Was the first in February?—No, I think the first was in January; the last payment, I think, was in February or March, if I remember rightly.

93,836. As late as March?—I think it was.

93,837. Or perhaps later?—No, I do not think so.

93,838. You are pretty sure that the last was as late as March. You know Dr. Maguire was a poor man?—He was not poor to the extent of being in a position to lend me 850*l.*

93,839. Do not you know he was very poor, selling his library and books?—That was an outward and visible sign that he had the money to give me. The fact of his giving the money, I took as an outward and visible sign of his having money.

93,840. Do not you know he has died poor?—I know he has died in a very poor position.

93,841. Do you mean to say you believe Dr. Maguire was lending his own money?—I assert most emphatically he asserted so to me when he lent the money.

93,842. Do you still think so?—I still think so, and think it an extraordinary thing that the money is not forthcoming at the present time in some shape or form.

93,843. You mean in his personal estate?—In his personal estate.

93,844. Although you know you repaid him?—Although I repaid him, and my bank book is here to show it.

93,845. That has disappeared?—Yes, it has disappeared.

93,846. You repaid him comparatively recently?—I repaid him in the year 1887.

93,847. I think towards the end of 1887?—No, I think it was rather midway in the year.

93,848. What did you tell Dr. Maguire you wanted this for?—I told him frankly what I wanted it for, to buy the letters.

93,849–50. Oh, you did tell him. I do not think we had that before?

(*The Attorney-General.*) Yes, distinctly. Dr. Maguire went with him to France; he said distinctly he told him before.

(*Sir C. Russell.*) Then, if so, I must call attention to this:—

"Now, up to this time you have been relying entirely on your own resources, or had you got any assistance from any friends?"

This was in your examination-in-chief.

"(A.) Well, I had spent all I had myself, and I had borrowed some, not telling my friends particularly what I wanted it for."

(*The Witness.*) About what date was this? Would the previous question indicate the time?



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

93,851. The previous question was this. I must go back two or three questions to fix the time:—

“What else did he tell you; did he tell you anything else about them?—

“(A.) I think he supplied me with copies. (Q.) Have you any of these copies?

“—(A.) No.”

And then I appear to interpose—

“Do you mean in April or March 1886?—(A.) April or March 1886.”

(The Witness.) Quite so. I got the money from Dr. Maguire a couple of months later.

93,852. Then my question is, who are the persons you allude to there in the answer I have read in which you say: “I borrowed some, not telling my friends particularly what I wanted it for?”—My mind was fixed on the date of April or May. I gave the reply, because, as I have explained now, I told Dr. Maguire at the time frankly what I wanted the money for.

93,853. What I want to know is, was it a mistake to say up to that time—we have now got to April or March 1886—is it correct, up to that time, that you had borrowed any money from your friends, not telling them particularly what you wanted it for?—It is.

93,854. From whom?—From Lord Richard Grosvenor, and I should think about the month of April or May I got the 70*l.* from Sir Roland Blennerhassett.

93,855. This is April that we are upon?—Yes, I should think about that date.

93,856. Can you mention anyone from whom you got any money previously to April 1886, except the portion of the 450*l.*, the last payment of which was in March 1886?—I think it was in April or May I got 70*l.* from Sir Roland Blennerhassett.

93,857. That is correct, according to your previous statement?—Yes.

93,858. This is speaking of your position in April?—I think I have sufficiently indicated my position then. I had not got the money from Dr. Maguire, and, of course, I had not told Dr. Maguire at that time what I wanted the money for.

93,859. Then it comes to this, you are not able to suggest any persons previous to April from whom you had borrowed money, except what you had got from Lord Richard Grosvenor?—And probably at that time from Sir Roland Blennerhassett.

93,860. I said up to April, you did not get that until April; did you tell Dr. Maguire when you got the money from him, on the occasion you asked him, that it was for the letters?—Yes, I did.

93,861. Did you ask him where he got the money from?—He led me to believe that he had the money at his bankers down in Galway.

93,862. What was his position in the Loyal and Patriotic Union at that time?—He was a member of the committee, I think.

93,863. Was he a member of the finance committee?—No.

93,864. Who were the members of the finance committee?—I cannot tell you without reference.

93,865. Do you recognise the names of any of them?—I think Mr. Hogg has mentioned all that I can recollect.

93,866. Just to follow this out,—after you repaid Dr. Maguire, is there any trace of a repayment by him or a payment by him to the Loyal and Patriotic Union?—Not the slightest.

93,867. There is not?—Not the slightest.

93,868. Have you examined to see?—I have not examined to see, but I have had the yearly sheets before me, and had the details at the time which were prepared, our yearly balance sheet for presentation to our subscribers.

93,869. You find no trace of that?—I find no trace of that.

93,870. How did you get the money from Dr. Maguire; you say he had the money in the bank in Galway, did he give you a cheque?—No, I think he brought the money in Bank of England notes. I know it was not a cheque, it may have been Bank of Ireland notes or National Bank notes, but it was not a cheque.

93,871. Would not that be odd if he had a banking account in Galway that he should not give you a cheque?—No, because I told him I wanted to dispose of the money immediately; he went to Galway and got the money in Galway and came back to Dublin and then on to London, and from London across to Paris with me.



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

93,872. It was just on the eve of your visit to Paris?—Quite so.

93,873. What was Sir Rowland Blennerhassett's connexion with the Loyal and Patriotic Union?—He was a member of the committee.

93,874. Was he a member of the finance committee?—No.

93,875. Then you recollect who are not, apparently, but do you recollect who are members?—Well, you have mentioned names I am not particularly clear about.

93,876. I wish to get it clearly from you, please, the payments you made in respect of these letters. First of all the moneys you borrowed altogether were 840l.?—850l. I think it is. 850l. from Dr. Maguire. 840l. you said.

93,877. Did I say 840l. 850l., I beg your pardon, 450l., 70l., and 250l.?—Yes.

93,878. That would be 1,620l. altogether?—Yes.

93,879. You received altogether from the "Times" how much. I am not talking of any remuneration for your services?—In connexion with the first batch, you are referring to.

93,880. Yes?—1,780l.

93,881. So the difference between these two sums would be only 160l.?—That is all.

93,882. And for the two batches how much did you receive?—I know I received 200l. for one, I think it was, I forgot what I got for the other. I gave the amounts in my previous testimony, I forget now.

93,883. Do not you recollect it?—No, at the moment I do not; it is a matter of evidence.

93,884. I know it is on the note, but I wanted it from you. Was it 230l. and 550l.?—I think it is 200l. and 550l. if I remember right.

93,885. 230l. and 550l. on the 4th February and 16th February 1888?—230l. was a complete payment at the time.

93,886. No, no, did you receive it in that form, 230l. and 550l.?—I probably did.

93,887. And on the 11th July (still 1886) 225l., and the 25th July 342l., that would be the third batch?—Yes, I think that is right.

93,888. Did you receive altogether cheques from Mr. Soames up to the 24th November 1888, amounting altogether to 2,937l.?—I could not tell you without going into the matter.

93,889. I will give you the figures then?—The figures will not assist me, Sir Charles, without making a reference.

93,890. Well, 1,780l. first.

(*The Attorney-General.*) It is at page 3034 in the shape of a total.

(*Sir C. Russell.*) I do not think it is.

(*The Attorney-General.*) Yes, it is.

(*Sir C. Russell.*) 2,937l., and of that what was the amount you paid to Pigott?—I paid Pigott at the rate I spoke of.

93,891. 500l. for the first batch?—500l. for the first batch, and 100 guineas for himself, the 550l. referred to in the second payment, and 200l. in the third; and of course the payments to him week by week occurred as they took place.

93,892. That would be 1,350l. plus a guinea a day and his travelling expenses when he was on his quest?—And the other different payments I made. I gave him 100l. for Eugene Davis at the start.

93,893. You did?—Yes.

93,894. I do not recollect hearing that before.

(*The Attorney-General.*) Yes, he said so specifically.

(*Sir C. Russell.*) I do not recollect hearing of the 100l. being given to Eugene Davis before.

(*The Attorney-General.*) He said so subsequently?—I have since discovered the receipt for the 100l. I should like to put it in now, if I may.

(*Sir C. Russell.*) By all means.

(*The Attorney-General.*) Produce it please (*receipt produced*).

93,895. (*Sir C. Russell.*) This is the voucher you mean?—That receipt is from Eugene Davis to Richard Pigott.

93,896. It may or may not be?—Well, it so alleges.

93,897. I really would like to ask you to look at this. Do you really believe that this is in Pigott's handwriting (*handed to witness*)?—I do not know. I know they both wrote very similar hands.



12. July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

93,898. Just look at that, do you believe that is in Pigott's handwriting?—I do not believe it is in Pigott's writing.

93,899. Look at that?—I have looked at it.

93,900. Look at it again, look at the piece of paper, the letter, the whole thing?—Yes, I see it.

93,901. And have you any real doubt that is Pigott's writing?—Yes, I have every doubt.

93,902. That purports to be a receipt by Davis?—Yes.

93,903. (*The President.*) Was it produced by Pigott as a receipt from Davis?—Yes.

93,904. I suppose at that time it really might be supposed to be a receipt.

(*Sir C. Russell.*) I really should like your Lordships to see that.

(*The President.*) I really am not concerned, not knowing anything about it.

93,905. (*Sir C. Russell.*) Are you aware that Mr. Eugene Davis was subpoenaed by the "Times"?—I am.

93,906. And brought to London by the "Times"?—I was not aware of that.

(*The Attorney-General.*) I do not think you should make such a statement, Sir Charles.

93,907. (*Sir C. Russell.*) I am asking the question; have you seen him in London?—I saw him about.

93,908. Have you seen him in London?—I saw him about the Court here one day; he was pointed out to me.

93,909. Did you see him here after you had ascertained he was subpoenaed by the "Times"?—I did, but it does not naturally follow that he came over at the "Times' " expense.

93,910. That I do not know anything about. Will you let me have that book Mr. Cox was good enough to say he would get?—Mr. Cox is looking up the entry.

93,911. Have you got the entry?—Yes, I admit the payment at the time to Mr. Townsend.

93,912. In reference to this payment or advance Professor Maguire paid to you; what was the reason of its being paid in that roundabout way to Dr. Webb instead of it being paid to Mr. Uniacke Townsend?—I really could not tell you, I really could not tell you, as a matter of fact.

93,913. Have you examined the books to see whether there is not a vote of that finance committee about the time that this money was advanced by Dr. Maguire?—I know as a matter of fact there is not. I have not examined the books within the last few days, but I was sufficiently conversant with the books at the period to know there was not.

93,914. Have you any objection to the books being examined by their Lordships or by me?—Well, I am instructed by the committee to state that every book that we have is at the disposal of their Lordships for inspection, but they have an objection to allow the books to be inspected by political opponents, for them to investigate every item.

93,915. I confess I quite recognise the force of that objection; if your Lordships think it reasonable we should have them; it would save some time.

(*The President.*) There seems to be no objection. You say you have not looked at it recently; would you be content with his looking at it again?

(*Sir C. Russell.*) We should rather look ourselves.

(*The President.*) Then it raises a specific question?

(*Sir C. Russell.*) Yes, my Lord, it does.

(*The President.*) I have not interfered on this. A good deal of observation might be made upon it, and I do not myself see how I could order the production of the books for your inspection of the Loyal and Patriotic Union. I would be willing, if you choose, that we should look specifically ourselves.

(*Sir C. Russell.*) On the face of it we have got a statement that a specific payment was made for a pamphlet attacking political opponents in this indirect way. And whether the suspicion be well founded or not, the suspicion is that these payments were made through Dr. Maguire by this political association in the same way and for the same purpose.



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

(*The President.*) Very likely for political purposes, that is to say, to get a pamphlet, or something of that kind done, which it was thought to be in the interest of that association.

(*Sir C. Russell.*) We also wanted to examine further, with a view of seeing whether or not these payments did not come out of the funds subscribed by political opponents, in order that your Lordships may have before you, when you come to consider the strength or the weakness of the evidence that you may have before you the effect of the various agencies working for the same end, which have been at the disposal of those who are representing the "Times" interest, in this matter.

[*After consultation with the other learned Judges.*]

(*The President.*) We are of opinion that the production of the books of the Loyal and Patriotic Union has not any bearing upon any issue before us.

(*Sir C. Russell.*) Our object was to try and make it apparent to your Lordships, as far as we can, that the whole of this indictment, which is called "Parnellism and Crime," proceeds—that I think we have shown to a great extent already—proceeds from the same source, namely, from Pigott; and that he was being used by a powerful political organisation and association for the purpose of concocting this plot, and financed by them.

(*The President.*) That seems to assume a charge against other persons who are not in any way before us.

(*Sir C. Russell.*) I quite agree that is so, and I do not allege that your Lordships could be called upon to inquire into that as a substantive matter, or to report upon it as a substantive matter.

(*The President.*) Does not it follow then that we could not receive evidence directed to prove that which we could not take into consideration.

(*Sir C. Russell.*) I think in that sense, and I desire to submit in that sense it was relevant to show the powerful agencies at work, from various quarters, which are at work with a view, in the first instance, of making and afterwards supporting this indictment.

(*The President.*) Whatever agencies were put in operation, we have to consider upon the evidence before us of their truth or falsehood.

(*Sir C. Russell.*) I quite agree; I do not dispute that at all, but I thought it material in relation to the strength or weakness of the evidence, that it should be borne in mind what the agencies were which were absent.

(*Mr. Asquith.*) May I add to what my learned friend has said this observation. This is not put forward by us before your Lordships as a substantive charge against persons not before the Court. From that point of view, if I may say so, I respectfully agree with your Lordship that it would not be within the jurisdiction of this tribunal nor relevant to your Lordships' commission to inquire into it; but the commission imposed upon your Lordships by the Act of Parliament, as it is defined in the first section of the Act constituting the Commission is this: to "inquire into and report upon the charges and allegations made against certain members of Parliament, and other persons in the course of the proceedings in an action entitled O'Donnell v. Walter." The scope of the Commission so entrusted to your Lordships is not confined to an inquiry into the truth of those charges.

(*The President.*) I do not understand anything else to be meant by inquiring into.

(*Mr. Asquith.*) The enacting section which I have just read does not so limit it. It imposes upon your Lordships the duty of inquiring into and reporting upon charges and allegations.

(*Mr. Justice A. L. Smith.*) Whether they are true, or false, or what?

(*Mr. Asquith.*) Not only whether they are true, or false, but as to the circumstances under which they were put forward and, as we submit to your Lordship, as to their genesis, their origin and growth; and even if the inquiry were of the more limited description which has been suggested, we still conceive that (not from the point of view of fixing blame or guilt upon outside persons, but from the point of view of enabling your Lordships to understand and appreciate the evidence which has been brought before you, even if your Lordships' sole duty is to inquire into the truth of the charges;) it is still material to consider whence they proceeded, and how they were put forward, and by what means they have been engendered; and it is from that point of



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

view we submit to your Lordship on the evidence now before you, that an investigation of these books, and the circumstances under which the pamphlet "Parnellism Unmasked," (which, as Mr. Houston very properly says, is Parnellism and Crime in a somewhat less rhetorical, and, as he says, somewhat more powerful form) was composed, and the circumstances under which Pigott was set to work to supplement it by the only material additional statements that are to be found in "Parnellism and Crime," namely, the statements as to the alleged letters; all that is a very material and very important branch of the inquiry your Lordship has undertaken, and which the Act of Parliament has imposed upon you. It is from that point of view alone, and not with the object of establishing against third persons not immediately before your Lordships any charge of guilt or complicity that we submit that this evidence ought to be received, and the inquiry pursued in the direction my friend has indicated.

(*The Attorney-General.*) I have no actual right to intervene in this matter, but I should like your Lordships to understand simply the position my learned friends and I myself take up in regard to this matter. My Lord, I understand the objection taken by Mr. Houston not in any shape or form to be an objection to full and proper disclosure being given, in order that your Lordships may ascertain if there is any truth in the suggestion that the Loyal and Patriotic Union were the persons who repaid Dr. Maguire, or that that money was in fact an advance from the Loyal and Patriotic Union through Dr. Maguire; and as to that, Mr. Houston having pledged his oath that there was nothing of the kind, that he always believed it was a private advance, and that, to his own knowledge, the money never was repaid, as it goes to the credit of Mr. Houston, who has, to a certain extent, had to give evidence in this case, I should desire the fullest investigation. But the objection taken by Mr. Houston, if I may be allowed to refer to it, was not an unnatural one. He said, "I am certain of the fact, and I am willing that the Commission shall satisfy itself of that fact or any other fact." But, my Lord, his objection was that there was no ground for giving political opponents a free range of inquiry upon other matters which are in no shape or form germane to any issue; and, taking the ground which Mr. Asquith has last urged, we desire to say, my Lord, that in so far as it is for us, we would suggest that the books should be examined by Mr. Cunynghame or an independent person they choose to appoint, with a view to test the credibility and the truth of Mr. Houston's statement with reference to the sum received from Dr. Maguire or any other matter relevant to this inquiry. But the objection which was—fairly, as I humbly submit—taken by Mr. Houston, was that they should not be handed over for a general inquiry by political opponents into entries made which have no reference to it at all.

(*The President.*) This seems rather to point to this, Mr. Attorney. I am taking note of the fact that I do not think you have really a right to interfere.

(*The Attorney-General.*) I agree, my Lord; I said so.

(*The President.*) You did. Taking note of that in passing, it seems to amount to this, that you are rather suggesting that an inquiry for the purpose of testing the truth of Mr. Houston's statement should be made.

(*The Attorney-General.*) Certainly.

(*The President.*) If that be so, I am very anxious to—

(*Sir C. Russell.*) We shall not, with great deference, accept that as the only object, nor with the limitation which the Attorney-General seems to wish to put upon it. We wish to have the same right of disclosure, if it is relevant, upon the grounds myself and my learned friend have suggested to your Lordship, as has been claimed against us. If it is relevant, we claim the right of full inquiry and investigation, just as the same right has been claimed against us.

(*The President.*) Very well.

We are all clearly of opinion that the inspection insisted upon as a matter of right ought not to be granted. The Commission which is given to us is to inquire into and report upon these charges. We can attach no other meaning to that than that we are to inquire into their truth or falsehood, and any evidence which is material for that purpose we should admit, and have admitted, and that with large indulgence. The examination which has taken place to-day has been to a great extent beyond what in strictness would, I think, have been admissible; but we cannot make an order that these books should be inspected generally, because, even if it were true that the money of the Loyal and Patriotic Union had been paid for the purpose of putting before the



12 July 1889.]

EDWARD CAULFIELD HOUSTON.

[Continued.]

public these statements which are now complained of, still the only question we have to determine is whether or not those charges are true or false, from whatever source they originated. We therefore reject the application.

(*Sir C. Russell.*) My Lord, a communication—I might almost call it an instruction—has been given to me in writing by my client, for whom alone, your Lordship knows, I appear with my friend Mr. Asquith. Before considering how I ought to act upon it, and especially, my Lord, in order that I may in this matter have due regard to that respect which I desire to pay to the Court, I ask the opportunity of considering what my position is in the matter.

(*The President.*) Very well.

(*Sir C. Russell.*) My friend Mr. Reid has some witnesses I know whom he wishes to call. Whether they are here now or not I am sure I do not know.

(*The President.*) Have you no other witnesses?

(*The Attorney-General.*) My Lord, I do not know whether your Lordship would think it right to allow Mr. Houston to make a statement. Your Lordship yesterday or a day or two ago, I noticed, (I did not happen to be here) did not allow Mr. Houston to make any statement with reference to a certain statement. The witness having been re-called I do not know whether your Lordship would think it right to ask him.

(*The President.*) Of course you are entitled in the usual way to re-examine him.

(*The Attorney-General.*) It is not with reference to anything Sir Charles Russell has put. It is with reference to a statement made in Court as to an action towards this building. A statement was made and your Lordship at the time thought Mr. Houston ought not to make any statement. Being in the box, I submit to your Lordship he is entitled to be asked whether or not there was any truth in it.

(*The President.*) Well, of course, I will not interfere with a personal explanation, but really I consider it quite unnecessary.

93,916. (*The Attorney-General.*) One question, was there a shadow of foundation for the statement made by Mr. Davitt in Court?—Not the slightest.

(*Mr. Davitt.*) May I ask one question?

(*The President.*) Well, what is your question?

93,917. (*Mr. Davitt.*) Have you contributed any articles whatever to this "Evening Post" during the last month?—I decline to answer.

93,918. You decline to answer?—I decline to answer.

(*The President.*) Have you any other witness to call?

(*Sir C. Russell.*) My Lord, there is a witness under cross-examination, I understand, or his cross-examination was postponed.

(*The Attorney-General.*) There was a witness, McCarthy; I think Sir Henry James asked yesterday that his cross-examination should be postponed.

(*Sir C. Russell.*) He is in court.

Mr. JOHN MCCARTHY re-called; cross-examined by Mr. ATKINSON.

93,919. What office did you say you had held in the Land League?—President.

93,920. Who was the secretary?—John Glinnon.

93,921. Where is he?—He is living in the parish.

93,922. Did he keep any books?—No, I think not.

93,923. No books at all?—The treasurer kept a book; the account of the subscriptions that would be sent in.

93,924. Was there any book in which a list of the committee would appear?—No.

93,925. Or any book in which a list of the subscribers would appear?—The amount of the subscription would be handed in. They had a small book. It was put on a leaf. Each collector had a small book, in which he put down the name of each person that subscribed to it, and the amount of that was totalled up and handed in.

93,926. And was not a list of the members that had subscribed kept by the secretary?—No.

93,927. No list at all?—No list at all.

93,928. Then how did you know whether a man was a member or not?—Every committee man knew himself that he was appointed.



12 July 1889.]

MR. JOHN MCCARTHY.

[Continued.]

93,929. And in that way alone?—In that way alone.

93,930. Who were the members of the committee?—I suppose there was a dozen or more.

93,931. What were their names?—Well, I could hardly call to mind their names now. It is six or seven years ago.

93,932. How do you know that Jago was not? If you do not know who were, how do you know that Jago was not?—I know he never was.

93,933. How? Do you know who the members were?—I do.

93,934. Who were they?—If I had thought this question would have been put to me I would have had their names down.

93,935. Where would you get their names?—Out of my memory.

93,936. Well, was your memory better at home than here?—Well, I do not know whether it was.

93,937. Cannot you get them out of your memory now?—The treasurer was a man of the name of Gormley, the secretary was Glinnon. There was a vice-president, Pat Minson; there was an assistant secretary, Thomas Jennings; there was another committee man, Andrew Murphy.

93,938. Any more?—John Meahan; that is another one.

93,939. Did you keep any books of the National League?—No.

93,940. Had you no list of members of the National League?—No.

93,941. And no list of the committee?—Nothing more than that they were appointed at the beginning of the year.

93,942. But were their names kept?—They were not.

93,943. No list of names of the committee?—No.

93,944. In any book?—In any book.

93,945. Or document?—No.

93,946. Or members?—No.

93,947. Did you keep any books at all?—The treasurer would keep a book of account of the moneys which were handed in to him.

93,948. Did you keep any minute books?—No.

93,949. Did you go to America recently?—A long time ago.

93,950. How long ago?—About 17 years ago.

93,951. From time to time did you pass resolutions denouncing people by name in your League?—Some few times.

93,952. In 1885 and 1886, did you not?—In 1885 and 1886 I was president of the branch.

93,953. In 1886, while you were president, did you not pass resolutions denouncing people by name for landgrabbing and other offences against the League?—I do not call to mind. I cannot call to mind that there was.

93,954. Did you communicate with the local paper as to the resolutions that were passed?—Yes.

93,955. Who communicated to it?—The secretary.

93,956. Did he keep a copy of the resolutions?—He did not trouble himself. I saw them sometimes thrown down, and he kindled his pipe with them.

93,957. Was no entry made of those resolutions that were published in the minute book?—No.

93,958. I will call your attention to two or three. On the 3rd July 1886, in the "Roscommon Herald," was not that the paper in which you usually published the proceedings of your League?—Yes.

93,959. What was the name of your League?—Killoe.

93,960.

"At a special meeting on Sunday, the 27th instant, John Macarthy occupied the chair. There were present, Edward Cooney, vice-president, John Mahon, treasurer, and Daniel Poyntz, secretary."

That is not the name you gave me?—I gave all those names but Cooney.

93,961.

"The following resolutions were unanimously adopted: Having heard of the evictions by Mr. J. D. Cochrane of some poor labourers who were called upon suddenly to perform a task which was repugnant to their feelings, we



12 July 1889.]

Mr. JOHN McCARTHY.

[Continued.]

“ call upon all good Nationalists to endeavour to assist these poor men, and we  
 “ condemn the action of any person who assists the evictor in oppressing them.  
 “ We also condemn the meanness of the action of the people who were holding  
 “ communication with the land-grabbers of Killnacarrow, especially John Reilly  
 “ and a man named Neddy Reynolds, who were reported to have cut a grazing on  
 “ the ground farm of John Devine.”

—Did you pass that resolution?—Yes.

93,962. Were these men boycotted?—They were.

93,963. Were outrages committed upon them?—Not that I am aware of.

93,964. Were not their cattle injured?—No.

93,965. Are you sure of that?—I never heard of it.

93,966. Were there hay ricks burnt?—I did not hear of it.

93,967. Are you certain; after the passing of that resolution was not some outrage committed upon their property?—I did not hear of it.

93,968. You will not undertake to say that there was not?—No, I will not.

93,969. I will come to another one on the 24th July. What was it that these people were asked to do that was repugnant to their feelings?—I do not know.

93,970. Before you boycotted the men, did you take the trouble of ascertaining what they had been asked to do?—No.

93,971. You did not?—No.

93,972. On the 24th July 1886.—

“ At a meeting at Ennybegs on Sunday the 18th, John Macarthy, ex-suspect,  
 “ president, occupied the chair.”

That was you?—Yes.

93,973.

“ Some time was occupied by John Maguire, who came before the committee  
 “ in order to make restitution for the misdemeanour he had committed.”

What was the misdemeanour he had committed?—He associated with a land-grabber.

93,974. How?—He was a friend of his.

93,975. Who was the land-grabber?—I think his name was Davis.

93,976. And this man spoke to him?—Yes.

93,977. Was he boycotted for that?—He was.

93,978.

“ Being unable to do so he was sent away, and could not be re-admitted into  
 “ our branch.”

Was he not boycotted after that?—I believe he was.

93,979. Was any outrage committed on his property?—It was reported that he burnt his own house, and he put in a claim for compensation, but it was thrown out.

93,980. His house was burnt after that?—I do not know whether it was before or after. That I could not say.

93,981. Did you not say that it had been burnt before?—I do not know whether it was before or not.

93,982. But his house had been burnt?—His house was burnt.

93,983. And he applied for compensation?—Yes.

93,984. Did he get any compensation?—He did not.

93,985. Who opposed him?—The people that lived in the townlands round there.

93,986. Did the League oppose him?—No; of course there were some members of the League who did oppose everyone of the townlands round him.

93,987.

“ Resolved that we condemn the action of John Kelly, carpenter, Ferragh,  
 “ who is doing the emergency work of Robert Taylor, Corboy, who evicted Michael  
 “ Brady from his holding, and we look upon any person who aids and assists him  
 “ as enemies of our country. We also condemn the action of those parties who  
 “ hold communication with James Kelly, Killnacarrow, in consequence of his  
 “ dealings with the land-grabbers, Howden and Hamilton, of Killnacarrow,  
 “ who grabbed the farms from which the poor tenants were unjustly evicted.  
 “ We also condemn the action of Michael Farrell of Boher and two men named  
 “ Dooris out of Carrihill, parish of Clonguish, who were mowing on a boycotted



12 July 1889.]

MR. JOHN MCCARTHY.

[Continued.]

“ farm in Longford parish, and we look upon any person holding communication  
 “ with them as enemies of our League, and they shall be forthwith expelled.”

Were those men all boycotted after that?—I do not call to mind that they were.

93,988. Do you not know perfectly well that they were?—Well, I do not.

93,989. Was any outrage committed on their property?—None that I am aware of.

93,990. Are you certain?—I do not mind that I heard of any.

93,991. In the following month of August 1886, on the 21st—

“ Mr. John Macarthy, president, presided at a meeting on Sunday, the  
 “ 16th inst. The following resolution was unanimously adopted:—That we  
 “ condemn the action of those Quinns of Kilterrehar, who took possession of  
 “ the houses of those unfortunate tenants who had been unjustly evicted by  
 “ that tyrant, J. D. Cochrane.”

Was not Mr. Cochrane's hay burnt?—I did not hear of it.

93,992. Or his cattle injured?—Not that I ever heard.

93,993.

“ We also condemn the action of the following persons who are mowing  
 “ meadows for John Kelly, Farragh, who is doing the emergency work of Robert  
 “ Taylor, Corboy.”

And then follows a list of six names.

“ Any person holding communication with those men shall be forthwith  
 “ expelled from our branch.”

Were these men boycotted after this?—No.

93,994. These men were not?—They were not.

93,995. Are you certain of it?—I am quite certain.

93,996. There is a similar resolution on the 11th September 1886, Killoe :

“ At a meeting of the branch at Ennybegs, the following resolution was  
 “ adopted and passed unanimously:—That we protest and most emphatically  
 “ condemn the conduct of James Kelly, Killnacarrow, and his wife, for still  
 “ holding communication with land-grabbers.”

What had those persons done, the Kellys?—They were communicating with the person who took an evicted farm.

93,997. That is speaking to him?—Yes.

93,998. Were they boycotted?—Well, they were not.

93,999. The Kellys?—No.

94,000. Do you mean to say the Kellys were not boycotted?—I do.

94,001. During the time that you were president of this League, were there not a number of other resolutions as well as those published in the papers passed in that League condemning persons?—I do not mind of any.

94,002. You say you have no book at all in which it will appear what resolutions were in fact passed?—No.

94,003. While you were president of this League there were a good many outrages, threatening letters, and others committed in your parish?—I did not hear of them.

94,004. You cannot say whether they were or not?—I cannot.

94,005. I think I saw you reading your evidence out of a book yesterday?—No.

94,006. Had you a note-book with you?—Not any.

94,007. Had you no book that you were reading your evidence out of yesterday?—Not one, no more than I have now.

94,008. Had you a paper reading it out?—I never took out a paper in this court yesterday.

94,009. After Jago was examined, was his evidence shown to you?—I saw it in the public paper.

94,010. But was not a proof of his evidence sent over to you?—Yes, about a fortnight ago.

94,011. And did you endeavour to investigate whether it was true or not?—Well, it was often investigated by the people round the neighbourhood.



12 July 1889.]

Mr. JOHN McCARTHY.

[Continued.]

94,012. The people round about?—Yes.

94,013. Did you consult with many people about it?—I went to the committee on the following day; although I am not a member for the last two years, I got it on Saturday, and I went on the following Sunday to the committee, I left that before them.

94,014. And did they assist in discovering any evidence to refute Jago's statement?—Well, no.

94,015. You said at the time this outrage was committed at Scanlan's house, the Land League had been suppressed for six weeks?—Yes, six or seven weeks; it might be only four for that matter.

94,016. It might be four weeks?—Yes.

94,017. Did you continue to hold meetings after the suppression?—No, not one; not a meeting was ever held after it was suppressed.

94,018. The Land League?—No.

94,019. Did the people who had been members of the Land League continue to meet together?—No.

94,020. Or some of them?—Some of them, they would meet at the chapel, that is all the way.

94,021. That is the place the Land League meetings used to be held?—Yes, that was not the chapel I attended. I never went down to it from that day it was suppressed until I was arrested as a suspect.

(Mr. Reid.) I have nothing to ask you.

(Mr. Lockwood.) I had, as my friend said yesterday, one witness at any rate whose name has been mentioned a good deal in the course of this inquiry, Mr. Harris. Mr. Harris, I do not know whether your Lordship may be aware, has been detained by litigation in Ireland. I see that the action in which he is engaged has terminated, and he is not here.

(The President.) But you expect him.

(Mr. Lockwood.) I did expect him here, and I do expect him here; but, my Lord, in his absence I had asked that a communication should be made to the authorities with regard to Dr. Tanner. I have just inquired, and I understand that he has not yet arrived. No blame is attached to any authority in respect to that, because I expected that Dr. Tanner would not be required this week, and I so intimated, I believe, to Mr. Cunningham.

(The Secretary.) He was to be brought on Tuesday, my Lord; that was the day indicated.

(Mr. Lockwood.) We were anxious not to bring him over here until the opportunity for calling him had arrived. So far as the gentlemen for whom I appear are concerned, I have no further witness here to call before your Lordship. My friend, Sir Charles Russell, has just now made a statement to the Court with regard to his position, and the consideration of it, and I wish, of course, to have an opportunity of seeing my friend, Sir Charles Russell. I intend to, my Lord.

(The President.) I do not see your object in informing me of that. Now, Mr. Reid, have you anything to say?

(Mr. Reid.) As I said yesterday, there were two witnesses to be called. I included the one on behalf of Mr. Lockwood, Mr. Harris, whose verdict was only given last night. We all expected him to be here. He was kept, I suppose, for that reason, but we still hope that he will be here, and I have no doubt that there will be nothing to prevent him. Another witness I should desire to call is at present unwell, but in regard to him I still have hope of being able to call him. He is one of those who I represent, Mr. O'Kelly.

(The President.) Do I understand that you have no other witness, either of you?

(Mr. Reid.) As I told your Lordship, we only had two.

(Mr. Justice A. L. Smith.) Who is the gentleman? Do you mind mentioning him?

(Mr. Reid.) Mr. O'Kelly.



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12 July 1889.]

Mr. JOHN MCCARTHY.

[Continued.]

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(*Mr. Justice A. L. Smith.*) I know J. J. O'Kelly.*(Mr. Reid.)* We have called some of the members, and really think that we have called all against whom anything important has been stated with the exception of those two. I think that that is the case.*(The President.)* Very well, then; if so, we must adjourn.*(Mr. Reid.)* I am sorry for the loss of any time, but I think that will be the best way. We have every reason to know that Mr. Harris is coming.*(Mr. Lockwood.)* I do not know whether your Lordship understands that Mr. Harris' action only terminated last night.*(The Attorney-General.)* I think my Lords quite understood it.*(The President.)* I quite understand that. I understand you are expecting him to be here.*(Mr. Lockwood.)* I expect Mr. Harris will be here, and I expect to call him on Tuesday morning.*(The Attorney-General.)* My friend, Mr. Atkinson, says he could not be here unless he had started already.*(The President.)* Well, under the circumstances, he will come as soon as he possibly can. Of course you expect he will be here.*(Mr. Lockwood.)* Yes, my Lord.*(The President.)* Very well, then, we adjourn to Tuesday next.Adjourned to Tuesday 16th July at 10.30.  

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*Parnell withdrawn from the case*  
*Mr. Davitt*

“Uncorrected Proof.”

6019

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,  
PROBATE COURT No. 1,  
Tuesday, 16th July 1889.

(*Sir C. Russell.*) My Lords, it will be within the recollection of your Lordships that on Friday last I stated that I had received from my client, Mr. Parnell, a written communication which practically amounted to an instruction of a certain character. The instruction was in point of fact an instruction that my learned friend, Mr. Asquith and myself have no longer any authority to represent Mr. Parnell at this inquiry, and it was desired that we should cease to represent him. We thought for several reasons, one of which I mentioned to your Lordship indeed, viz., respect to the Court, that we ought not at once to act upon that communication, and that it was desirable that Mr. Parnell should have a fuller opportunity of considering the matter. That opportunity he has had. He has informed us that he has fully considered the matter, and the result is that we have received from him, in writing, definite instructions that we have no longer any right to represent him on this inquiry, and my duty which now remains, my Lord, is simply and respectfully to convey that information to the Court.

(*The President.*) I need scarcely say it is with great regret we hear that you and Mr. Asquith are withdrawn from this case, because we should, of course, have continued to receive that assistance from you both which we have had during the progress of the inquiry. Of course, Mr. Parnell is able to withdraw his retainer from you, though I need scarcely remind you and Mr. Asquith, that Mr. Parnell remains subject to the jurisdiction of this Court.

(*Mr. Parnell.*) I have an application to make to your Lordships on my own behalf. Prior to the commencement of these proceedings, some nine months ago, I was served with a summons by Mr. Soames directing me to attend here from day to day until the termination of these proceedings, to give evidence when called upon. I went into the box after the explosion of the letters portion of the case, and denied their genuineness and authenticity upon oath. I again went into the box some three months since, immediately after the Easter recess. I was examined and cross-examined during six days, four days of that time having been taken up by my cross-examination, and at the close of the cross-examination, on my re-examination, the Attorney-General in reply to your Lordships asked that his cross-examination, with regard to certain cheque blocks, which I handed in to the Court during my cross-examination, should be deferred until he had an opportunity of making inquiry with regard to certain of them which I read out to your Lordships. That is now, I believe, nearly three months since, and the application I have most respectfully to make to your Lordships is that you will be good enough to appoint a day for my further cross-examination, or else discharge me from further attendance at this Court. I should wish, if it suited your Lordships' convenience, that this cross-examination should take place before next Friday, so as to enable me to fulfil a public engagement which I had postponed to that day, in the hope that any cross-examination would then be over.

(*The President.*) We will endeavour to meet your convenience Mr. Parnell.

(*The Attorney-General.*) May I first say that we will endeavour to meet Mr. Parnell's convenience in the matter. I do not know whether I shall be in a position to take it before Thursday. I will remind your Lordships exactly how the matter arose; it was not only with reference to the matters that Mr. Parnell has referred to, but with



16 July 1889.]

SIR CHARLES RUSSELL.

[Continued.]

reference to an examination of the accounts which was going on before Mr. Cun-  
nyngame, and your Lordships concurred in the view that it was desirable that any  
further question should be put when we were able to put them completely. Mr. Parnell,  
I believe, communicated to Mr. Soames some short time ago, and asked him to give  
him notice of when he would be required to attend. I understand that Mr. Soames  
indicated to Mr. Parnell that he would certainly give him sufficient notice. I will  
endeavour to see if it is possible to ask Mr. Parnell the questions I wish to put to him  
on Thursday if he desires to have it upon that day, if not, I will endeavour to meet  
his convenience as far as possible by giving him three or four days' notice, and also  
selecting a day convenient for him to attend.

(*The President.*) Do I understand Thursday will suit your convenience?

(*The Attorney-General.*) I am afraid I could not answer the question at once, the  
matter has not been gone into before Mr. Cunnyngame, if I can I will take it upon  
Thursday.

(*The President.*) Supposing it could not be taken on Thursday, you spoke of an  
engagement, at what time after the engagement should you be free, Mr. Parnell?

(*Mr. Parnell.*) I should be free at any time. My object in making the application  
was that I wish my cross-examination should be concluded before I undertake my  
public duties again, my duties in the country.

(*The President.*) As I have said, we will endeavour to meet your convenience; but  
when will you be in a position to say whether Thursday will do, Mr. Attorney?

(*The Attorney-General.*) I will find out in the course of the day, my Lord.

(*Mr. Parnell.*) Thursday would suit me perfectly.

(*Mr. R. T. Reid.*) I had intended to rise immediately after my learned friend Sir  
Charles Russell, but inasmuch as your Lordship commenced to speak I did not think  
it was respectful to do so. I have to state to your Lordships that those gentlemen  
whom I have represented have communicated to me likewise definite instructions, which  
leave me no authority or right whatever to appear before your Lordships any longer.  
I have to state to your Lordships this, that I was under an engagement that  
Mr. O'Kelly should be called. He is one whom I represented. Mr. O'Kelly is now  
in Court, ready to answer any questions that may arise. I have one other matter alone  
to state further, and that is that a promise was given, as I understand, repeated on  
Friday, by Mr. Soames to communicate the payments to the witnesses which he had  
made, and which he had promised to give in answer to a question by myself. He  
referred to a correspondence with me, which of course I shall be only too glad, if your  
Lordships think proper, shall be seen by the Court.

(*The President.*) There is not the slightest necessity.

(*Mr. R. T. Reid.*) We hope that those payments will be presented to your  
Lordship

(*The President.*) You are assuming rather an inconsistent position Mr. Reid, what  
you have said is no longer said as counsel.

(*Mr. Lockwood.*) My Lord, what I have to say is very much the same as what my  
learned friend Mr. Reid has said. Those who are associated with me in this case—  
Mr. Arthur O'Connor and Mr. Hart—have received an intimation from those whom  
we have represented that they do not desire us to represent them any longer in this  
inquiry.

My Lords, on the last occasion your Lordships may remember that I spoke of  
Mr. Matthew Harris, and of my intention to call him. If I had the authority as  
counsel to call him now I should have done so. My Lords, I trust that I am not  
going beyond what I am entitled to do when I tell your Lordships that he is here.

My Lords, one other matter. I made an application to your Lordships with regard  
to the attendance of Dr. Tanner; inasmuch as your Lordships, in accordance with  
that request by me, made an order which has resulted in his being brought over, I  
may state that he is also here. Further, I wish to say on behalf of those members  
whom I represent, and indeed, I think I may say it if my learned friend will permit  
me on behalf of those whom he represents, that they are all willing to pay every  
respect to any summons from this Court to attend to give your Lordships any  
information which your Lordships may desire.

(*The President.*) The position of things is in no way altered, but as I have already  
expressed it, we have the misfortune to be no longer assisted by Counsel who have



16 July 1889.]

SIR CHARLES RUSSELL.

[Continued.]

been before us. The persons represented by those Counsel have to take those steps which they think they ought to take, amongst other things, to tender themselves as witnesses. I have no observation to make on that.

[The Counsel and parties then left the Court.]

If I rightly understand the position of things, Mr. O'Kelly, whom I think was first mentioned, is here.

(Mr. O'Kelly.) I am here, my Lord.

(The President.) Do you desire to give evidence?

(Mr. O'Kelly.) I am willing to answer any questions that are put to me.

Mr. JAMES O'KELLY, M.P., sworn.

94,022. (The President.) Do you desire to say anything?—I have nothing to say, my Lord. I understand that certain charges are made against me in this Commission. Any question that the Attorney-General puts to me in reference to these charges or to any charges which are lying against me I am willing to answer.

94,023. (The President.) Then you do not desire to tender any evidence upon your own account?—I have no evidence to tender.

(The President.) Then, Mr. Attorney, have you any questions?

(Sir H. James.) Of course this statement of Mr. O'Kelly places us in this position. As a rule you have to cross-examine a witness upon testimony which he has given. The cross-examination goes to attack the testimony given in chief, but if the witness goes into the box and is sworn—I understand Mr. O'Kelly is sworn.

(The President.) Yes, I had him sworn.

(Sir H. James.) There is the power to cross-examine, a power which I think in this case there would be no objection to exercise, though Mr. O'Kelly has given no evidence in chief.

(The President.) Oh, yes; he tenders himself for that purpose.

Cross-examined by Sir HENRY JAMES.

94,024. I believe you are a Member of Parliament?—For Roscommon.

94,025. When did you enter Parliament?—In 1880.

94,026. Will you tell me Mr. Kelly——?—O'Kelly.

94,027. I beg your pardon—will you tell me when it was you first took part in what I may call political affairs?—About 1860.

94,028. I gather from that you would have been a very young man at that time?—Yes, scarcely a man at all.

94,029. What was the first step you took in political action?—Well, I joined first the Brotherhood, one of the political public organisations, after that I joined the Fenian body.

94,030. What was the first political organisation you joined?—I forget the name of it—it was a public organisation in Dublin known as some brotherhood or other—St. Patrick's Brotherhood, I think.

94,031. I gather from what you say that it had political objects in view?—Yes, it was a Nationalist organisation.

94,032. What you term a Nationalist organisation?—Yes.

94,033. I will not trouble you very much about this early organisation. When did you join the Fenian Brotherhood?—About 1860—in the latter part of 1860—towards the close of 1860.

94,034. Was that in Dublin you joined it?—In Dublin.

94,035. Can you give me the form of oath which you took on joining the Fenian Brotherhood?—It is the usual oath which has been produced in this Court several times.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,036. May I take it that it was the oath produced by Le Caron?—I do not know that exactly; it is well known; I do not know that I can tell you the exact words, but the tendency of the oath was that we undertook to take up arms, if we were called upon, to fight for the republic, with that object.

94,037. Have you had in your possession any constitution of the Fenian Brotherhood?—No.

94,038. Never?—Never.

94,039. Have you never seen it?—I never recollect having seen it. I was not a member of the Fenian Brotherhood; the organisation that we belonged to was the Irish Republican Brotherhood, which was a distinct organisation; it was generally talked of as the Fenian organisation.

94,040. I thought you said just now Fenian?—I said Fenian, because it is a common expression.

94,041. Now, will you make it a little more particular. You said in your statement you joined the Irish Republican Brotherhood?—The Irish Republican Brotherhood.

94,042. Which is not the same, although it may be popularly known as the Fenian Brotherhood?—Yes.

94,043. I am speaking of the Irish Republican Brotherhood you joined, that I still take it as being in the year 1860?—Yes.

94,044. Have you never seen any constitution of that Brotherhood?—I do not remember having seen any. Later on, perhaps, after 1867, I think there was some constitution written, but it was not generally circulated amongst the members. I have no distinct remembrance of having seen it.

94,045. I must press you, if you will tell me, as far as your memory goes up to the present time you have never seen any written statement of the constitution of the body to which you belonged?—Well, as the organisation was originally established, there was no written constitution that I ever knew of. I believe that later on after the rising of 1867, when the Fenian organisation was reorganised, when we come to that period, then there was a constitution, but I have no distinct remembrance of it, except the fact that at that time there was a constitution adopted.

94,046. Then I may take it from what you have said, that there was a period before 1867 when the Irish Republican Brotherhood existed under certain conditions?—Yes.

94,047. Of course you are not speaking definitely?—Quite so; it was that I had in my mind when I made you the answer as to the earlier period.

94,048. What did occur in the year 1867?—The rising or attempting rising took place that led to the breaking up of the organisation and a reorganising. When the reorganisation took place there was a constitution adopted, and from that period the constitution did exist, but although I am aware that it is, and I must have seen that constitution, I have no very distinct remembrance of it.

94,049. I will commence with the period of 1867. Did you take an active part in this body, call it what you will, the Irish Republican Brotherhood or Fenian organisation at the beginning of 1867, were you on the governing body?—I was after 1867 and in 1867 too.

94,050. What was it?—I was a member of the provisional government which organised the rising. I was elected during the rising to replace one of the members who had been arrested; then on the conclusion of the rising, on the failure of the rising, when the new organisation was established, the supreme council, I became a member of it.

94,051. Can you give me the date of that?—Well, it was towards the end of 1867.

94,052. That would, of course, be the governing body of the supreme council?—That was the governing body.

94,053. Was there any executive council in addition to the supreme council?—No.

94,054. That was the only governing body?—That was the only governing body in my time.

94,055. Then what period of time did you continue a member of the governing body?—Until 1870, that is until the close of 1870.

94,056. And then what occurred after that?—After that I know nothing about them. I went to the French army in 1870, and on leaving the army returned to England, and from England I went to America; from that time I have had no connexion whatever with the Irish Republican Brotherhood.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,057. I wish to get from you, if you will allow me, these dates a little more particularly. Will you give me the period of 1870 when you say you first went to the French war?—Towards the close of 1870. I cannot quite tell you the date—I have a very bad memory for dates.

94,058. We know the date of the French war, that would be about the period probably. Do you represent to me, Mr. O'Kelly, that since the close of the year 1870 you have had no communication with the Fenian body?—I say that I have had no relation—political relations—with the Irish Republican Brotherhood in Ireland, or England, or Scotland.

94,059. We will call it the United Kingdom?—That is definite enough.

94,060. You have had no — ?—No political connexion with them whatever since I left in 1870.

94,061. What do you include in the word political?—Any connexion whatever with their action politically or any action whatever with them.

94,062. You are sure of that Mr. O'Kelly?—Perfectly certain.

94,063. Have you been in communication with any persons who have been introducing arms into Ireland?—No, not since 1870.

94,064. Up to what period in 1870 were you in such communication?—Until the moment I went away.

94,065. I understand from you, your memory as to the date would not be accurate?—Not sufficiently accurate.

94,066. But may I take the end of the year?—You may take the end of the year 1870.

94,067. I am taking it from you—I may take it from you as being correct?—Yes, exactly.

94,068. Up to that time had you been importing arms into Ireland?—The men under my orders had been importing.

94,069. Acting for you?—Yes.

94,070. I want really to get the facts from you—on the 25th February 1871, did you leave Liverpool for New York?—I did—at least I assume that the date is correct about that period.

94,071. It is the date given to me, I mean it is pointing to the same incident—you sailed in the steamship "China"?—I sailed in some ship, I do not remember the name.

94,072. Were you passing by the name of John Smith?—I believe so.

94,073. And were you then arrested?—No, but they tried to arrest me; they took possession of some baggage which they alleged belonged to me, and they wanted me to get off the ship, and I refused.

94,074. Was there no warrant?—No, they had no warrant.

94,075. But they took possession of certain articles belonging to you?—Yes.

94,076. You say you believed you were going under the name of John Smith?—

Well, I think so. I am not quite sure what was the name. I was not travelling under my own name.

94,077. It was a name which you had assumed?—Yes.

94,078. You had passed by other names before, I think?—Yes.

94,079. Had you passed by the name of Martin?—Yes, James Martin.

94,080. Was that the only christian name with the name of Martin you passed by?—That was the only one.

94,081. Had you been known as Captain Martin?—Yes.

94,082. Did you also pass under the name of Burke?—No.

94,083. Or any other name?—I have no remembrance of ever having passed under any other name except Martin—except on going to America. I mean generally I was known as Martin.

94,084. I will take your answer. Is your memory such that causes you to say that you bore no other name but the name of Martin, and that name I put to you, John Smith?—I have no remembrance of any other name.

94,085. You never passed by the name of Burke?—Never, to my knowledge.

94,086. Is that so, that you never passed under the name of Burke?—I never passed under the name of Burke.

(Sir H. James.) I understand certain documents have been left for the convenience of a witness who wished to go. He has been sent for. Mr. O'Kelly will identify the



16 July 1889.]

JAMES O'KELLY.

[Continued.]

documents. The witness has been subpoenaed, and in order to obtain a release, he asked to be allowed to leave the documents here.

94,087. I think in the month of January 1871 you had been at Havre, had you not?—Yes.

94,088. Just see, Mr. O'Kelly, whether that was one of the documents which was taken from you. (*A document was handed to the witness*)?—I have no remembrance of it; I could not tell; I do not recognise the name; it is addressed to my name certainly, but I cannot say. I have forgotten my spectacles, and I cannot recognise it, curiously, I do not recognise the name either. It must have been addressed to me, but I have no remembrance of the person. Would you be kind enough to read it to me. Is it of importance?

94,089. Yes, it is of some importance in relation to another matter?—Will you give me the printed extract?

94,090. I have an extract of the portion that I refer to. Did you know anybody living at 128, Penton Place, Kennington?—Well, at this period of time I could scarcely answer you that.

94,091. You had been staying in London?—Yes.

94,092. I gather shortly before?—Yes. What is the date of it?

94,093. This is the 28th of January 1871; that must be the post mark?—Well, I was not very much in London at that time. It was only a run across from France, probably.

94,094. Putting it to you, do you know a man of the name of David Murphy?—Yes.

94,095. Did he pass by the name of John Kelly?—I have no remembrance.

94,096. Tell me—I am afraid I am appealing in vain to you if you have not got your glasses?—I regret it. But I had very little communication with Mr. Murphy, and I do not know that I am in a position to say whether this was in his handwriting. I have no remembrance of his handwriting. I knew Murphy very well, but I had very little communication with him, and at this period of time I could not say whether that was his handwriting or not.

94,097. You asked me to read this to you:—

“The goods you were so anxious about have been sent off all right.”

Had there been any goods about which you had been very anxious?—No, not that I am aware of.

94,098. At that time were you giving orders for goods to be sent?—No, I think not. I think my communication with it had ceased towards the end.

94,099. Allow me to finish my question, that I may get it on the note. Had you given directions for goods to be sent off to Ireland?—Of course, up to the moment that I left for the French army I had been directing the men who were sending the arms into Ireland. There is no secret about that at all.

94,100. Taking this date to be the 28th of January 1871, you see this brings us in relation to matters which would happen about the end of 1870. Do you see that would bring us to events that may have happened at this time:—

“The goods you were so anxious about have been sent off all right.”

In inverted commas:—

“Carrol & Walsh.”

Do you know anything about those persons?—I do, I know them both.

94,101. Were those agents you had used for sending arms into Ireland?—They were agents, yes.

94,102.

“We are in a fix at the present. Neither Farrell or Walsh will do anything for us till they are paid.”

—That is evidently, as I have said to you before, a letter written to me after I had given up the direction of the movement, after I had left the movement.

94,103. I am not differing from you on that point?—I am wanting to explain to you. You want to know about this letter, and it is evidently a letter of someone



16 July 1889.]

JAMES O'KELLY.

[Continued.]

writing to me about things that had occurred some time before, complaining or probably asking me to take some step to put something right that had gone wrong after I had left.

94,104. I will not discuss that with you. What would be the proper complexion to put on it, if you will allow me to say so? I want to know as to the past. Had you employed Farrell and Walsh to import arms into Ireland?—I have already told you so.

94,105. Was the Christian name of that man Thomas Walsh?—It was.

94,106. Was he afterwards arrested and tried at the Central Criminal Court?—He was.

94,107. It is the same Thomas Walsh?—The same Thomas Walsh.

94,108. If my memory is right, he was arrested in 1882, July 1882?—I forget the date, but I know he was arrested for sending arms.

94,109. The charge was for importing arms shortly before?—Yes. You see that letter is not written to Martin—the letter you have in your hand—as it would have been, if it had been written in the period in which I was directing those men. It was written to me probably when I was in the army, or after I had gone to France.

94,110. You are perfectly accurate in that statement. It is addressed to you here at the end of the letter, Mr. James O'Kelly, in your proper name; therefore, that may be so. You had been to Havre, and were going to America. I am speaking of what occurred before you went. Then there is this matter I wish to ask you about—

“By the way, what about the night glass you used to have here,”?

Yes.

94,111. Does that convey to you anything in relation to arms and revolvers?—No it was a very powerful field glass which I had.

94,112.

“By the way, what about the night glass you used to have here. You told me to get it”?

Yes.

94,113.

“On asking Walsh and Farrell they said they knew nothing about it.

“If you have brought it away in a mistake send it back like a decent cove, as we require it very much these nights.”

Was that a field glass?—Yes, a field glass which was used on the river in embarking arms.

94,114. At night?—At night.

94,115. You used while embarking arms?—It was used by the men in the boats who embarked the arms here in London.

94,116.

“Should you have left it with anyone here tell me with whom, and I shall get it.”

—Yes, quite so.

(*Sir H. James.*) Mr. O'Kelly is not at present represented by counsel. Perhaps the whole letter should be read, anyhow, I do not know that there is much that is material besides what I have read, but it had better be all read?—Just as you please.

94,117.

“DEAR FRIEND,

128, Penton Place, Kennington, London.

“I was expecting to have a letter from you before this, telling us about your

“trip across, and what length of time you intended to remain in Havre, &c., &c.

“The goods you were anxious about have been sent off all right.”

—They were arms probably I had left in the dépôt, when I had left; and I was naturally anxious they should not be seized before they were delivered. I felt myself responsible for their safe delivery. I handed over the arms that were in the dépôt when I left, and I was anxious about these arms getting safely to their destination.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,118. That is very frank of you to tell us that?—Certainly; that is what I am here for.

94,119. I did not say that satirically for a moment. This is a true description of what you felt about these arms:—

“The goods you felt so anxious about have been sent off all right. We are rather in a fix at present. Neither Farrell nor Walsh will do anything for me until they are paid. This would have been done before now had not Jim been under the impression that you would settle with them.”

Who was them?—I do not know, besides, I would not tell you if I did know.

94,120. I pass that over.

“When you got that last remittance——”

—I will tell you anything about myself.

94,121. I will raise no point at present on a matter of this kind.

“When you got that last letter he said, in a letter to me, that it was for that purpose the money was sent, and he was rather surprised when Jack wrote to him informing him of your departure, and asking him for money to pay those men. I dare say Jim has been labouring under some mistake in this matter. Jack wrote to him yesterday, telling him he should send money at once if he did not wish to have the goods lost. This, I suspect, will stir him up a bit. By the way, what about the night glass you used to have here. Jim told me to get it, and on asking Walsh and Farrell, they said they knew nothing about it.”

—I have explained to you about the night glass. It was a very powerful glass we used on the river for the boatmen, in order that they should be able to see the river police and avoid them.

94,122. So I understood you, unless you wish to repeat it. I understood your explanation. What has become of this man Farrell?—He is no longer in the country.

94,123.

“If you have brought it away in mistake send it back like a decent cove, as we require it very much these nights. Should you have left it with anyone here, tell me with whom, and I shall get it. The rumour here is that the French are about to surrender, and, if such is the case, your journey to France would be as profitable as you expected. Your occupation will be, like Othello's, gone. You will have to make up to some French or German heiress, and get spliced at once.”

—Unfortunately I never succeeded in that.

94,124. I ask you nothing about that.

“I have not yet begun the ‘Irishman’ in London yet. As soon as I do I shall send you a copy. It strikes me that if you wait until you do get a copy you will live to a tremendously old age. I think the paper is not good enough for me to waste my talents on. I will start a paper of my own and appoint you foreign correspondent. We thought to have sent some goods to Dublin on Monday last, but Reilly, the man who was in, went off to Bayswater with his sweetheart, who has got a situation there, and consequently the Dublinites were disappointed. Let me have an answer from you as soon as you conveniently can. Joined by Jack in kindest regards, and wishing you every success, I remain, Dear Sir, Yours sincerely, John Hely.—Mr. James O'Kelly.”

—Yes.

94,125. Do you recognise that as being written to you?—It must have been written to me by some man, though I really do not remember who it was. It was probably some man who had succeeded to one of the positions here in London when I left.

94,126. Do you recognise that letter being also in your possession, taking the black ink as being visible writing, and the other the chemical writing that came after something was applied [*another letter was handed to the witness*]?—No, I do not remember it. Will you lend me a glass? [*a pair of glasses was handed to the witness. After perusing the letter.*] Yes, I do recognise it.

(*Sir H. James.*) My Lord, I hand it first to your Lordship, so that it may be intelligible to you.

[*The letter was handed to the President.*]



16 July 1889.]

JAMES O'KELLY.

[Continued.]

(*The President.*) I see the black ink was as it would appear originally, and the blue has been brought out. That is the suggestion, I understand?

(*Sir H. James.*) Yes.

94,127. Does your memory serve you now—of course we are going back to some years—that you had a letter on which some black ink writing was visible?—It might have been. I do not recognise that particular letter; but I think I recognise the writer. Of course that was a very common method of communication.

94,128. With you at that time, under the circumstances under which you were placed?—Yes.

94,129. This letter is dated New York, January 5th, 1871. I am taking the date. I presume it is correct. Just look at the date?—I have told you I guarded myself. I tell you I have a very bad memory. I will give you my general impression as to dates.

94,130. I am taking it in that sense. We are speaking now of 18 years ago. The letter having been dated New York, January 5th, 1871, it may have been after you had left. "New York, January 5th, 1871. William Jones, Esquire, Merchant, London." Had you passed by that name?—No, never.

94,131.

"Sir, Your last remittance came duly to hand, and its amount has been  
 " credited to your account. We had hoped to hear from you more frequently,  
 " but attribute your occasional silence to that dulness of trade in general which  
 " we are told greatly paralyses business all over Europe at the present juncture.  
 " Our house is doing its accustomed fair share of sure and steady trade on a  
 " strict cash basis. We prefer certainty of returns to the more risky ventures of  
 " large and lengthy credits that have ruined many good firms in this market.  
 " Waiting your further orders, We remain sincerely yours, J. & J. Musgrove  
 " and Co."

I think that covers nearly three sheets.

(*The President.*) It is written on two sheets—on the first and the third.

(*Sir H. James.*) Then there comes the ink in the lighter colour, as suggested by me an invisible ink, coming out on certain chemicals being applied to it.

94,132.

"Gentlemen,—The glad news of the release of the prisoners had hardly reached  
 " here when steps were taken to hold a preliminary meeting with a view to  
 " rendering them material aid and comfort upon their arrival in this city."

Who were those prisoners, do you recollect?—I have no recollection. I do not see how a letter of that kind could have reached me at all. I do not see how it could have been among my papers unless somebody put it there.

94,133. I take Mr. O'Kelly's statement. If it is necessary to prove it, if any question should arise, I can prove this was among them?—I have no recollection of it; the reference would be to the Fenian prisoners—it would probably refer to them.

94,134. (*The President.*) You said upon looking over it—I do not remember your exact phrase—that it was something like, I recognise it?—Yes, I think I recognise the writing; I think so, but I do not see how at that time it could have come into my possession unless it might have been forwarded to me afterwards.

94,135. (*Sir Henry James.*)

"The C. E. F. B."

Is that the Central Executive of the Fenian Brotherhood?—I suppose so, something of that.

94,136.

"The C. E. F. B. was instrumental in bringing about this meeting, which was  
 " held in Tammany Hall on the 29th day of last month. Mr. Izard, State Senator  
 " and President of the Board of Public Works, in the chair. Speeches were made  
 " by the C. E. F. B."

(*The President.*) I may say that that is not clear to my eye; there are initials, but what they are I do not know.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

(*Sir H. James.*) It is, I think, "C. E. F. B."

"Richard G. Gorman, Colonel Roberts, and others, at the end of which resolutions were passed expressive of sympathy for the released prisoners, and announcing a determination to give a hearty reception and some pecuniary aid to the Fenian patriots as soon as they should arrive. The handsome sum of twenty-one thousand and five hundred dollars was immediately subscribed by the members of the meeting, which sum it is thought can be easily raised to fifty thousand dollars before our brothers can make the passage out. Mr. Dree, an American gentleman, subscribed five thousand dollars, and Mr. Tweed, the chairman, and Controller Connolly put their names down for one thousand dollars each. This money is to be placed in the hands of a special committee for the benefit of those for whom it was collected. It will be the duty of the C. E. F. B. to take care that these funds are distributed in a manner worthy of the generous object for which they are intended. At the solicitation of the mayor by the C. E. F. B. another meeting, expressive of sympathy for the Fenian prisoners was held last night by the Board of the Common Council of this city, at which very friendly resolutions were passed and a reception committee appointed by the board of aldermen. The Knights of St. Patrick have also had a meeting, adopted resolutions, and appointed a committee of reception. Other meetings of a similar nature will take place soon, and a general reception committee appointed to wait upon the prisoners upon their arrival, and tender them the hospitalities of the city in a manner worthy both of the recipients and their entertainers. I have to announce to you my acceptance of the executive secretaryship of the F. B., and my nomination to the post of Adjutant-General of the Legion."

94,137. (*The President.*) Legion S. P., I think it would be?—The Legion of St. Patrick, a Fenian brotherhood.

94,138. (*Sir H. James.*)

"As I know well your requirements at home, the former position will enable me the better to assist the C. E. F. B. in his ardent desire"—

Who do you read those words to apply to—"C. E. F. B. in his ardent desire"?—The Chief Executive, I suppose, C. E.

94,139. Is that one person?—Well, I do not know. It refers to the American side of the water.

94,140. What?—Does not that refer to the American side of the water?

94,141.

"The better to assist the C. E. F. B. in his ardent desire to send you all possible material aid from this side, while the latter will place me in a way to direct as far as in my power lies, the military resources of the organisation here and to have it well in hand for the first contingency offering that may admit of a rising in Ireland. I do not see that it was incompatible with my duty as chief military officer of the I. R. B. under the S. C. to accept of the offers above named, on the contrary, I shall now have many opportunities of acquiring an amount of very useful knowledge that can be turned to most excellent account when we are ready to take the field. An order has been issued to the regimental commanders of the Legion S. P. to turn into their headquarters the arms they have in respective commands, as the rifles the troops are now using belong to the F. B.'s. I am making arrangements under the orders of the C. E. F. B. to ship you through the agency of an American house here as per agreement between your Mr. Martin and myself, five hundred stand of arms, muzzle-loading rifles—"

I will ask you a question about that afterwards.

"This shipment will be worth to you at least eight hundred to one thousand pounds sterling. The same kind of guns we send should bring eleven dollars apiece here now. This will be to you a further proof if such were necessary of both the ability and willingness of the F. B. to assist you through its Central Executive than whom you have not a better and abler advocate or friend in



16 July 1889.]

JAMES O'KELLY.

[Continued.]

" America. You will the better comprehend this when I say to you that the  
 " Council F. B. are by no means unanimous in supporting the policy which  
 " the C. E. F. B. has adopted in sending you regular periodical remittances in  
 " money or kind. If therefore you do not see your way to support both the  
 " C. E. F. B. and the organisation he presides over, it is impossible that you can  
 " expect a continuance of these periodical remittances you are receiving from the  
 " Fenian Brotherhood. For instance, if Mr. O'Connor persists in writing to men  
 " in California, and if other parties as intimately connected with the S. C."

What would S. C. mean now?—Supreme Council.

94,142.

" Will keep informing their friends here that the home organisation is  
 " receiving no aid from the Fenian Brotherhood, you must expect as a natural  
 " consequence that the resources of the brotherhood will be greatly crippled, and  
 " its ability to help you lessened. Besides if men who are your best friends, not  
 " only in word but in deed, are constantly receiving only slights for their pains,  
 " you cannot expect a continuance of their friendship much less of their efforts  
 " in your favour. But the duties of both parties are very plain. The Fenian  
 " Brotherhood will assist you in every possible way. The amount of that  
 " assistance will only be limited by the extent of its power, but continuing to do  
 " so the organisation has a right to expect that you will discountenance every  
 " effort that may be made by malicious or wrong-headed people to create any  
 " estrangement or foment ill-feeling between the I. R. B. and F. B. The  
 " C. E. F. B. desires me to say that the Russian affair is being pushed. From the  
 " peculiarity of your position at home you will hardly be able to approach the  
 " Russian Minister at London with any show of success in obtaining aid from  
 " him. We are differently situated here, and no opportunity will be lost in  
 " endeavouring to obtain aid from Russia in case she goes to war with England.  
 " The arms will not be shipped until you telegraph per cable the acknowledgment  
 " of the reception of this and inform us that your man in London is at his post to  
 " receive the goods. You can telegraph to Thomas Pand —"

(The President.) I should have said it was "Hand."

(Sir H. James.)

" 31, Broadway, saying 'Ship the goods,' or if you are not ready say 'Delay  
 " the shipment.' I am prepared to send you a cipher key which I think should  
 " be used in addition to the solution with which this is written. Moran's last  
 " letter bore unmistakeable evidence of having been tampered with in transitu.  
 " Let me know about this important matter, and please contrive a safe way by  
 " which the little instrument, on which the cypher is arranged, can be transmitted  
 " to you. You will find it of the greatest importance in corresponding, not only  
 " with this office, but among yourselves at home. I remain, gentlemen, very  
 " sincerely and fraternally yours, F. M."

You said that such a method as that letter indicates to have been pursued was a usual method of procedure with you in writing?—Yes.

94,143. Was there a cypher in addition to the use of invisible ink?—You see that letter must have been written in ignorance of the fact that I had resigned. That letter was probably forwarded on to me after by some of the authorities of the organisation, in order that I might be informed as a matter of courtesy.

94,144. I am not disputing that statement for a moment to be correct?—That is my memory.

94,145. But still, for some reason it would be forwarded to you, and if forwarded, that was, I suppose, because the facts were facts that interested you?—Yes, quite so.

94,146. Let me ask you a question or two. You see here in this letter:—

" An order has been issued to the regimental commanders of the Legion  
 " S. P. to return into their head-quarters the arms that they had in their  
 " respective commands as the rifles the troops are now using belong to the F. B.  
 " I am making arrangements under the order of the C. E. F. B. to ship you  
 " through the agency of an American house here, as per agreement between you,  
 " Mr. Martin and myself."

I gather that Mr. Martin would be you, from what you have said?—Yes.



July 1889.]

JAMES O'KELLY.

[Continued.]

94,147. Who would the man be to which this refers?—I would not like to tell you who it was.

94,148. I understand what was in your mind?—He was in authority unquestionably. I told you at once when I saw the letter I recognised the handwriting; he was a man high in authority in Fenian circles on the American side.

94,149. I assure you, as I said before, I do not wish to raise unnecessary difficulty; is not the writer of this letter lately dead?—I believe so.

94,150. You may answer this: Was not this personage "F. M.," General Millan, of whom we have heard?—I would rather not answer you.

94,151. I will take that reply from you. I do not wish to get in a roundabout way what I have to ask you in relation to other things. General Millan was a person known to you?—Yes, he was.

94,152. We have him in Ireland. Apart from this letter, General Millan was known to you as an active organiser and agent?—He was known to me before that letter was written to me, and of course he was known to me in New York.

94,153. Now, Mr. O'Kelly, I am asking you with respect to what you say about others; this letter speaks of an agreement to which you were a party, but will you tell me what that agreement was?—Well, after the rising there arose some difficulty and division of opinion among the various organisations, with the result that the Irish organisations were split into three or four parts, to one of them he belonged—he belonged to the Fenian Brotherhood with which we had been connected, and when he came to Ireland an arrangement was entered into between the governing body in Ireland and this Fenian organisation in America with the old body that was known as the old Fenian organisation.

94,154. That was his position you are good enough to tell me, but this was an agreement by which certain arms, 500 stand of muzzle-loading rifles were to be shipped into Ireland?—Yes. It was an agreement for the general supply of arms. It had not reference merely to that 500, but to 500,000, if they could get them.

94,155. As far as you know, this particular lot of arms would be sent into Ireland?—I do not know anything about it. I do not know whether those arms were ever sent or not.

94,156. But I may take it certain arms were sent by this agency?—I am not aware of it, because before that came into operation I had left.

94,157. Does your answer that you just gave—not only that lot but other lots, a general supply of arms went into Ireland—refer to the time before you left or to your idea what happened after you left?—What happened after? Of course we had various supplies of arms from various sources. There was a supply going in from the time I took charge until I left, but that was a supply independent of this particular supply; and of that particular supply I know nothing. In fact I know nothing whatever in relation to that question after I left.

94,158. Let me see if I can translate what you say. From some other source a general supply went in between 1867 and 1870?—Yes.

94,159. Was that from America?—No.

94,160. Where did it come from?—From the men in Ireland. The men supplied the money and we supplied the arms.

94,161. From England?—From various places.

94,162. Then in addition to that there came an agreement between you and the writer of this letter that arms should be supplied?—Certainly; it was in order to get possession of the old Fenian arms.

94,163. To what extent would that agreement extend, I mean in relation to the number of arms?—Unlimited. It meant they would give as many as they could.

94,164. And you would receive as many as they could give?—Certainly.

94,165. And this 500—?—It was only a beginning. It was only the first.

(Sir H. James.) Perhaps, with your Lordship's permission, I ought to pursue this.

94,166. I do not want to encroach more than I can help upon the information you have given with regard to other persons. Did you see General Millen in Ireland at any latter time—say the years 1878, 1879, and 1880?—No.

94,167. Did you communicate with him in relation to matters in those years?—No.

94,168. Do you know where he was in 1878, 1879, or 1880?—No.

94,169. You never heard?—Yes, I heard. I heard that he was here; but I never knew where he was.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,170. When you say here, you include Ireland in that answer?—I mean in the United Kingdom somewhere.

94,171. What year did that last answer of yours refer to?—I think he was here a year or two ago.

94,172. That is the only time. I am coming to that. My question was first to you as to the years 1878, 1879, or 1880—the end of 1878 or the beginning of 1879?—No, I do not remember ever having seen him since I left America.

94,173. Or heard of him?—I may have heard he was here in a vague way; but I have never had any communication with him.

94,174. When did you last see General Millen?—Some time in New York—when I left New York towards the end of 1879.

94,175. Had you learned then whether he had been in the United Kingdom or not in 1879?—I think I knew in 1879 that he had been. I think so, yes.

94,176. Recently, or in remote time?—How do you mean, recently?

94,177. Recently in relation to the time you heard it—in relation to 1879?—In 1879 I was in America.

94,178. I am speaking of that time. In 1879 in America had you then learned?—Yes, I knew, of course, in America. I will give you a guiding tip. Of course, when I went to America in 1870 or 1871 I went into the organisation there—took up my place in the ranks and remained there until I came here in 1879. That is what you want to come to.

94,179. I was upon General Millen at this moment. If you ask me a question I will answer you. What were General Millen's movements? In 1879 you have told me you learned that General Millen had been in the United Kingdom?—I heard it, but I had no knowledge of it.

94,180. Will you tell me from what you heard when it was General Millen had been here?—I could not tell you.

94,181. But he had been shortly before you heard it?—I suppose so. At whatever time he was here, if he was here, I was likely to have heard.

94,182. Then, pursuing that, have you become aware that General Millen has been here since that period?—Yes, I have told you I heard vaguely he was here.

94,183. About how long ago?—A couple of years, I think.

94,184. During the whole of the period you were in America, from 1871 to 1879 (you said you were a member of the organisation), were arms coming over from America to Ireland?—I do not know. I never occupied any official position in the organisation in America at all. I was simply a member of the organisation, and as I was a very busy man I had very little time to devote to politics in America.

94,185. Were you pursuing vocations of your own personally?—I always have been.

94,186. They were vocations you were engaged in personally?—I was a journalist.

94,187. I thought it was some business. It says in this letter: "You will the better comprehend this when I say to you that the Council F. B. are by no means unanimous in supporting the policy which the C. E. F. B. has adopted in sending you regular periodical remittances in money or kind." Had there been prior to the date of this letter, 5th January 1871, regular periodical remittances in money or kind?—No, that was only an agreement. In fact, from the time when the division took place, immediately after the rising, the branch of the organisation to which I was attached (because there were two organisations in Ireland as well as in America) had received no help whatever from America up to the time when this arrangement was entered into with the F. B. towards the close of 1870; and therefore there could have been no remittances from America. It is an agreement for remittances he is referring to, because it was part of the agreement, of course, that they would supply us both with money and with arms from time to time.

94,188. Before you come to the conclusion that your memory is quite complete on the subject, let me read you this: "If, therefore, you do not see your way to support both the C. E. F. B. and the organisation he presides over, it is impossible that you can expect a continuance of these periodical remittances you are receiving from the Fenian Brotherhood."—This man when he came over brought with him a certain sum of money. That was the beginning—the starting of it.

94,189. Can you give me the date of that?—I cannot; but it was towards the close. This letter that you are reading now must follow close on it, and it is in reference to that agreement.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,190. The writer of this, you say, brought over some money?—Yes.

94,191. Had he left it with you or left it with some one else?—No, he had not left it with me. He had transferred it to the proper authorities.

94,192. He had brought it out for that purpose?—Yes.

94,193. The term here is, "continuance of these periodical remittances you are receiving from the Fenian Brotherhood;" and it speaks above of receipt in money or kind, which, I presume, would be arms. Do you now say, having had your attention called to the wording of this letter, that there had, in fact, been no such periodical remittances, or only a promise?—There had been one remittance. I am speaking now of my time.

94,194. I quite appreciate, yes?—There had been no remittances, periodical or otherwise, from America to us. They were connected up to a certain period with another branch of the organisation in Ireland, and they may have been sending periodical help to them, but not to the branch to which I belonged.

94,195. It would be a branch of what we term generally the Fenian organisation?—Yes.

94,196. Do you know what name that branch bore?—I do not know that they had any distinct name. They were known as the Council party, and the Kelly party, I think.

94,197. When you speak of the Council party who was the individual that represented the Council party? Was it Stephens? Who represented it?—The council represented the council. The council, of course, represented the council. The council was the head of the organisation.

94,198. Was there a party called the Stephens party?—There was, yes, but it was a very small one.

94,199. Either to the Council party or the Stephens party would these periodical remittances be made, as far as you know?—No, I think it was to the Kelly party.

94,200. That is yourself?—No, that is Colonel Kelly. There was another Kelly.

94,201. That would be then a party distinct from your action?—Yes, altogether.

94,202. There may have been remittances made to them?—Yes, there may have been remittances made to them.

94,203. As a Fenian party. "The C. E. F. B. desires me to say that the Russian affair is being pushed." What was that?—I do not remember. I suppose it was some application which they tried to make to the Russian Government in view of war.

94,204. Between Russia and England?—Yes.

94,205. "From the peculiarity of your position at home, you will hardly be able to approach the Russian Minister in London with any show of success in obtaining aid from him. We are differently situated here, and no opportunity will be lost in endeavouring to obtain aid from Russia in case she goes to war with England." I suppose you know nothing more of what was done in relation to that?—I know nothing more.

94,206. "Arms will not be shipped until you telegraph per cable the acknowledgment of the reception of this and inform us that your man in London is at his post to receive the goods"?—Well that may be the cause why the letter came into my possession. It may have been sent to me to France so that I might telegraph or write to this man. That is so, because otherwise I do not understand how that letter came into my possession at all.

94,207. I gather from the commencement of the letter that something was being done in pursuance of the agreement between you and Martin the writer. "Arms will not be shipped until you telegraph per cable the acknowledgment of the reception of this, and inform us that your man in London is at his post to receive the goods." Did you telegraph?—I have no remembrance, but, if necessary, I probably did.

94,208. I suppose "your man in London at his post to receive the goods" would not be yourself?—No.

94,209. That would be so?—No, of course I acted per agents.

94,210. "You can telegraph to Thomas Pand, 31, Broadway, saying ship the goods, or if you are not ready say delay the shipment." You say you know nothing of any such telegram?—I have no remembrance of it.

94,211. I wish just to show the course of business that you pursued. Will you look at that. I think that is your own handwriting, is it not?—Yes, I think it is.

94,212. Look at that "Mr. Martin Lynch"?—Yes.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,213. (*Sir H. James.*) This comes from the same papers. This is a document in Mr. O'Kelly's handwriting. It begins, "This address is good for any quantity." Then in inverted commas "Plate glass." I presume we may take it these were arms? —Yes, these were arms.

94,214.

" This address is good for any quantity.

" ' Plate glass.'

" Mr. Martin Lynch,

" Kilmore Lock,

" near Ballinasloe,

" Galway,

" Ireland.

" *Via* Grand Canal.

" Notify the departure to

" Mr. William Duffield,

" Society Street,

" Ballinasloe,

" Co. Galway.

" Mr. James O'Donnell,

" Grocer,

" Ballaghadereen,

" Mayo.

" To be left at Castlerea station.

" Notify to Owen Carney,

" Ballaghadereen,

" Mayo.

" Always write to notify the departure of the goods.

" You will stop 30s. from W.'s account, which Farrell drew in Limerick."

(*The President.*) What is the date of that?

(*Sir H. James.*) There is no date upon it. It is one of the documents found in February 1871, at the same time as the other documents. There are other documents giving other addresses. I do not know that I need ask as to them.

94,215. Who was Duffield?—I do not remember.

94,216. Is that your handwriting [*passing letter*]?—Yes, I think so.

94,217. You do not recollect who Duffield was?—No.

94,218. Do you know who your correspondent was at Ballinasloe?—Oh, I have had many correspondents in Ballinasloe.

94,219. But for the receipt of arms?—Oh, whoever bought the arms received them. They were sent to their addresses.

94,220. You were finding, I suppose, persons in whom you had confidence to receive the arms at Ballinasloe?—No. Well, possibly, I was sending to Ballinasloe, but the usual method was that they supplied us with the addresses and we sent them on to them. We had not necessarily any knowledge.

94,221. I think you said this was your writing. You were dealing in large amounts. I see here is an account of yours:—

	£	s.	d.
Balance in hand	-	-	-
Cash	-	-	-
	165	0	0
	50	0	0
	215	0	0
	£	s.	d.
Cash for goods	-	-	-
Cash to J. R. for D. M.	-	-	-
Cash to T. W.	-	-	-
	206	5	0
	3	0	0
	4	16	10
	214	1	10

Would that "T. W." be Thomas Walsh?—Probably.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,222.

	£	s.	d.
Fare to Dublin, 2nd return	2	19	0
Cabin fare to Kingstown (missed boat)		8	0
Railway and cab fare, Dublin		2	6
Two cab fares, London		5	0
Expenses en route		5	0
Lodgings in Dublin	2	2	0
	220	3	4
Two cases		18	0
	221	1	4
	215	0	0
	6	1	4

Now, am I to understand you that during the time you were in America, between 1871 and 1879, you took no part in shipping goods to this country?—Absolutely none.

94,223. Will you give me the date a little accurately. When did you return to England or Ireland—I mean the United Kingdom—after being in America?—I have been here very many times in passing to and from the continent, but I never was here permanently nor in connexion with any political movement.

94,224. I assure you I do not want to go into your personal affairs, but I understood you sojourned and remained in America between 1870 and 1879. When did you leave it?—I was domiciled in America, but I am a newspaper correspondent, and I travelled about a great deal during that period for my paper.

94,225. (*The President.*) For an American paper?—Yes, for the New York “Herald,” my Lord.

94,226. (*Sir H. James.*) May we take it you were, apart from journeys, a resident in America from 1870 to 1879?—Yes, from 1871.

94,227. I take the end of 1870 or 1871; in 1871 you started. During that period of nine years had you anything whatever do do with money or arms being sent to Ireland?—No, nothing.

94,228. Had you any connexion with the Clan-na-Gael society in America?—Yes, I was a member of it; that is the society I was a member of.

94,229. In what town in America would that be?—New York.

94,230. Can you furnish us with any copy of any rules or any constitution of the Clan-na-Gael?—I cannot.

94,231. Did you ever have such rules or such constitution in your possession?—No, never.

94,232. Did you take an active part at all in consequence of your membership of the Clan-na-Gael?—No, I was simply member. I just paid my subscription and occasionally went to the meetings; very seldom; not more than four or five times possibly in my whole career.

94,233. May I take it you did not in any way interfere with the business transactions of the Clan-na-Gael association?—I had absolutely no connexion with them; absolutely none, except the responsibility which an ordinary member would have.

94,234. I do not wish, if I can avoid it, to go into the detail of these transactions?—Well, I want to make a correction; I do not want to mislead you at all.

94,235. If you please?—What I have said now of course refers to the years that elapsed up till the moment of a week or so before I left America. It is absolutely correct up to a certain point. There came a point when I again took action on behalf of the Clan-na-Gael—just before I started.

94,236. (*The President.*) When was that?—1879, my Lord.

94,237. (*Sir Henry James.*) I beg your pardon. My attention was attracted by something else. Did you say you took some action before you started?—Yes, I became an official again; I took an official position; I took an active position, rather; that is to say, when I came here. The better way for me is to tell you at once.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,238. If you please?—I came here in 1879 from the Clan-na-Gael in order to reorganise the movement on this side. That was the intention with which I came here to this country, if that is what you want to know, that is what you are coming to.

94,239. That is the point I am upon. Then did you come in the capacity simply of a member of the Clan-na-Gael with particular powers given to you, or did you join any portion of the governing body of the Clan-na-Gael with the object of coming here?—No, I simply came as a military officer to take charge of the military organisation in Ireland.

94,240. Can you give me the approximate date for your leaving America and coming to Ireland for such purpose as you have just mentioned?—I cannot. It was somewhere in the autumn of 1879, somewhere about the autumn I think. I think so. It may have been a little later. I am not quite sure, but it was in 1879 and towards the end of the year.

94,241. I take that as approximate?—Yes.

94,242. Had you seen John Devoy before leaving America?—Yes.

94,243. How shortly before leaving America had you seen John Devoy?—I saw him every day nearly. He was in the same employment as I was myself. He was a writer also on the "Herald," and I came in contact with him every day.

94,244. Was he a member of the Clan-na-Gael?—Well, I would rather not answer you that. It is a matter of notoriety. What is the use of asking.

94,245. I will take your answer. Did you confer with John Devoy before coming to Ireland in this autumn of 1879?—Well, I would rather not answer these questions. I will answer you generally. I came here for a specific purpose which I have told you, and that covers everything else I suppose.

94,246. I quite understand the purpose. You came, you know, with the sanction of certain persons, as you say?—I came from the organisation—from the authorities of the organisation, and with their authority.

94,247. Can you tell me would it be before or after August 1879?—Well, I am not sure. Probably after, I think. My memory is not very good on the point.

94,248. Did you know at that time that John Devoy had been in Ireland, reaching Europe on the 10th of December 1878?—I probably had knowledge that he had been in Ireland.

94,249. Did you, as a member of the Clan-na-Gael, know that John Devoy had reported to the Clan-na-Gael the result of his visit to Ireland?—I would not know it. I should not be in a position to know it.

94,250. That will suffice. But towards the end of 1879 you, with the sanction of the Clan-na-Gael, came to Ireland for the purpose you have mentioned?—Yes.

94,251. We have the documents here. There will be no breach of confidence on your part. John Devoy was a member of the Clan-na-Gael, and reporting to them. My Lord, I do not wish to come into conflict with the witness if I can avoid it. At page 2870 there is that which, I think, relieves Mr. O'Kelly from any breach of confidence—the report. Before you came to Ireland in 1879, I have from you the bare fact that you were frequently seeing John Devoy?—I saw him every day almost.

94,252. I quite take your words. You frequently saw John Devoy. Now, speaking of yourself, you have told me that you came to organise in Ireland?—I came to take charge of the military organisation.

94,253. And arriving in Ireland somewhere towards the close of 1879, did you endeavour to carry out that object?—I did. The reason why I did not was that the heads of the organisation on this side of the water declined to co-operate with me. That, therefore, brought my mission at this side to an end. There was some delay in the council on this side coming to their decision. During that time I visited France once or twice, and I was delayed here for some time. I travelled about the country to inform myself about it, but finally they came to the decision that they would not co-operate with me for some reasons of their own, and that brought my connexion with them here to an end. In fact, there was no beginning to it, because they refused to allow me to take up the position to which I had been assigned on the American side. I then returned to France; sent my resignation to America; and from that day to this, I have had no connexion with either of these organisations.

*Confirms my evidence - leaders  
opposed to any other movement*



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,254. First I should like to ask you this. You have given me a little more in detail, what you meant when you said "They would not assist me in carrying out the "the objects"?—"Co-operate with me."

94,255. Was your immediate object to organise so as to produce military bodies, or was it simply to do as had been done before, to introduce arms to be prepared for the event?—No, the reason I came over was there had grown up a feeling in America that there was a going to be another famine in Ireland, and we were resolved to fight if there was to be a famine; and I came over to organise that resistance.

94,256. When you say you applied or appealed to the governing body, was that to the Supreme Council of the Fenian body, or of the Irish Republican Brotherhood?—Of the Irish Republican Brotherhood.

94,257. Whom did you find acting on the supreme body of the Irish Republican Brotherhood at that time?—I will not tell you that. I saw the president and one of the other members, whom I knew as men to whom I was directed. I never saw the Council at all on my return. My business was transacted through two men—men whom I knew to be the representatives of the Council; but I must decline to give you their names.

94,258. I will not press you for the names at present. You did your best to carry out your mission?—I did.

94,259. And for the reason you have given failed? Did you know a fund called the Skirmishing Fund in America?—Yes, I heard of it.

94,260. As far as you knew what does that term "Skirmishing Fund" represent?—Well, it represented some wild ideas of a man.

94,261. The wild ideas of a man, but it so happened that that man collected money?—He did, yes.

94,262. A great deal, Mr. O'Kelly?—I believe so, I do not know much about it.

94,263. Did you receive a sum of 10,000 dollars from the Skirmishing Fund?—No.

94,264. From any fund?—Yes.

94,265. How much?—I received 1,800*l.* to start with. I think a sum of about 1,800*l.*

94,266. Well, that is approximating to 10,000 dollars, you see?—Yes.

94,267. When did you receive that?—When I left.

94,268. In 1879?—Yes.

94,269. Who was the man who entertained the wild ideas?—Rossa.

94,270. O'Donovan Rossa—then from him you received, when you left, this 1,800*l.*?—No, I never said so.

94,271. I beg your pardon, will you tell me from whom you received that?—I received it from the treasurer of the regular organisation.

94,272. From the Clan-na-Gael?—From what you call the Clan-na-Gael.

94,273. I was on the Skirmishing Fund as distinguished from the Clan-na-Gael?—I have never had any connexion whatever with the Skirmishing Fund.

94,274. What connexion, if any, had the Skirmishing Fund with the Clan-na-Gael?—I do not know that it had any connexion.

94,275. Did you know of any trustees being appointed?—Well, I believe there were. I have only got the general knowledge that anybody would have.

94,276. When did the Skirmishing Fund come into existence?—Well, I should say it was somewhere in 1872, 1873, or 1874, it might have been anywhere about there.

94,277. You give, if I am rightly translating you, the founder of this Skirmishing Fund as being O'Donovan Rossa?—Well, I do not give it—that is a general matter. I have no knowledge of it.

94,278. You spoke of the wild ideas. Had John Devoy anything to do with this fund?—I believe not.

94,279. As a member of the Clan-na-Gael, do you know anything that took place as to the Clan-na-Gael influencing or directing this Skirmishing Fund?—As I have told you, my position in the Clan-na-Gael was of a very humble nature, and I really knew nothing about the organisation. In the first place, I did not attend the meetings of the organisation more than five or six times during the whole eight years.

94,280. I understand you to say that you did receive this sum of money from the Skirmishing Fund?—No, I received the money from the regular organisation.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,281. I said I did understand you to say so, but you corrected me. You say that it came from the regular organisation, by which you mean the Clan-na-Gael?—The U. B.

94,282. Do you know whether that money did or did not come from the Skirmishing Fund?—I do not know; I should say it did not.

94,283. Who was the person from whom you got the money?—He was the treasurer of the Clan-na-Gael.

94,284. It is in relation to the accounts that have been mentioned and the evidence which has been given I propose to identify this if I can. Will you tell me who was the treasurer?—No, I cannot tell you who was the treasurer—the regular treasurer of the Clan-na-Gael.

94,285. And where he obtained this money from, you tell us you do not know?—I do not know.

94,286. Did he come from Rochester?—Well, that is not a fair question.

94,287. Very well?—I have given you, I think, a sufficient answer.

94,288. I do not say it is not a fair question, but I will not press it; it was from the treasurer?—It was from the treasurer.

94,289. You told me you an original sum of 1,800l.?—Yes.

94,290. Was that for what is termed revolutionary purposes, coming from the revolutionary organisation?—Yes.

94,291. And with that you came to Ireland; did you have any more money from the same source?—No.

94,292. I understood you to say that you knew of John Devoy, now I add the name of Breslin, as being trustees of that fund?—I have a vague idea that they were, but I have no distinct remembrance of it.

94,293. I presume John Devoy would know of your receiving this 1,800l.?—He might, I cannot say.

94,294. You say you saw him every day, and he was a member of this organisation?—He probably would know.

94,295. I understood you there would be no secrets between you?—There would be many secrets; he would not necessarily tell me of all his affairs.

94,296. But with regard to this there was no secret?—There was no secret—he did know of it.

94,297. I may take it you were not able to expend that money?—No, I sent most of it back—I sent 1,600l. of it back.

94,298. When was it you abandoned, under the circumstances you have mentioned, your action for the purpose of carrying out that for which you had come to Ireland?—As soon as I got back to Paris, having met these gentlemen in Dublin who had declined to operate with me or allow me to assume the position to which I had been appointed, I returned to Paris, and from there I wrote my resignation and my reasons for it, and also the refusal to go on any further in the matter.

94,299. Then did you remain in Paris at that time?—For some time, yes.

94,300. I presume from what you have told me you retained your own proper name at this time?—Yes.

94,301. You never passed by the name of Martin after that?—No, not then. I lived in France and England at that period in 1879. When I came back I lived under my own name. I did not live by any name but my own either in Paris or England or in Ireland.

94,302. You encouraged me from your last answer to pursue the subject. Did you ever since that period pass by the name of Martin?—Never.

94,303. Or by any other name but your own?—Never.

94,304. You said when you came back, that is why I say you encouraged me. Did you ever pass by the name of Kenelm Martin?—Never.

94,305. Have you never heard that name applied?—No, except that I heard indications that I was suspected of it.

94,306. When I say passed by that name I mean not only that you used the name. Have you ever known it applied to you?—Not to my knowledge except from your side.

94,307. You never heard of this name being applied to you at all?—Never.

94,308. When did you return or when did you commence to take an active part in politics again, if I may treat this as a break—when did you commence to take an



16 July 1889.]

JAMES O'KELLY.

[Continued.]

active part in politics again?—After I had remained some time in France, I returned to Ireland, and I was on my way to America, intending to go to America, when suddenly Parliament was dissolved, many of my own friends being engaged in the political work. I became interested in it, not having anything particular to do, and not being in a great hurry to get back to America, I went into it—went into the work of organisation, and from that, in that way, went into the new political movement.

94,309. That would be about March 1880?—Somewhere thereabouts—about the time that Parliament was dissolved, whenever that was.

94,310. Did you at that time join the Land League?—Yes, I think so.

94,311. When did you go into Parliament?—In 1880.

94,312. At that general election?—At that general election.

94,313. And as a supporter of Mr. Parnell?—Yes.

94,314. Did you come in for Roscommon?—I came in for Roscommon.

94,315. The same constituency you represent now?—Yes.

94,316. Then I presume you, at that time, became a supporter, if not a member, of the Land League?—Yes..

94,317. Did you become an officer in the Land League?—I think I was for a short time on the Council, but I never took any very active part in it.

94,318. You said just now, I am using your own term, that you went into it. I understand you to mean that you became a supporter of Mr. Parnell's party in Ireland, at the elections?—Yes, because I found during my visits to Ireland that the immense majority of the people were inclined to support Mr. Parnell, and that there seemed to be a very strong hope among the people that by public action—by political organisation—they would be able to achieve what they wanted without fighting, and I rather sympathised with that view, and, therefore, I was attracted towards the movement.

94,319. Then did you become an organiser at that time?—I was for a short time; I had the organisation of the north for perhaps a few weeks.

94,320. Was that as organiser of the Parliamentary contest, or was that as an organiser in relation to the Land League?—It must have been in relation to the Land League.

94,321. Of course you took part in the Parliamentary organisation also?—To a slight extent.

94,322. As employed by the Land League?—Well, I was scarcely employed by the Land League..

94,323. I do not mean that you became actually in the service, of course, for a moment, but you had so to act that you received money from the Land League fund?—Yes.

94,324. For the purposes of expenses, and so forth?—Yes.

94,325. When did you commence to occupy that position?—I could not tell you; it was very early and for a very short period. It was in connexion with the spreading of the organisation in Ulster.

94,326. Was any district ascribed to you?—No, I had the whole province.

94,327. What province was that?—Ulster.

94,328. What steps did you take in the organisation?—I went about wherever there were meetings, saw the people there; I had to explain to them as well as I could the advantages to be derived from the organisation, and get them to come in.

94,329. The Land League organisation?—The Land League organisation.

94,330. I want the date if I can. In the latter part of 1879 you left America on this mission you have told us of?—Yes.

94,331. Was this organising action of yours early in 1880?—It was, at least I think so. I do not know that it could have been very early in 1880, because it was after the general election and some time after; I think it must have been rather towards the end of 1880—that is my impression.

94,332. The elections in Ireland would take place in April 1880?—Yes.

94,333. Was it before or after those elections that you commenced your exertions as an organiser?—After.

94,334. You are sure of that?—I am as sure of it as one can be at this period of time.

94,335. Were you staying at the Imperial Hotel, Dublin, at the time?—Probably—I stop there generally.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,336. Was that before or after the election?—Both before and after I should think.

94,337. How long did you continue to act as organiser?—I think for a month or two.

94,338. Only?—I think so, that is my impression—it was for a very short period.

94,339. What caused you to cease acting as an organiser?—Well, I had only taken the work up temporarily. In the first place I did not like it, and then I had my own work which I had to neglect and which was, of course, much more valuable to me, and as I was not very rich I had to attend to that a little.

94,340. I presume you came to London for parliamentary purposes?—For parliamentary and for my journalistic work.

94,341. May I take it that, except for this month you are speaking of, you did not continue in Ireland actively supporting the Land League?—Yes, I think you may take that. I had very little to do with the Land League.

94,342. I should like you to tell me, if you will, a little more about the organising. I suppose you found a good many branches in existence?—Not in the north.

94,343. Some?—I do not know that there were any.

94,344. Not in some of the counties of the north?—I think not, not at that period.

94,345. Then did you assist in founding the branches?—Yes, in a few instances I did.

94,346. Had you rules furnished you from head-quarters in Dublin, which you had to transfer?—I think so. That is my impression—printed rules.

94,347. And also a document with the objects of the association. Did you have that?—I assume so. I have really no distinct recollection.

94,348. At any rate, what you did, you did it not with the direction but at the wish of the central body, as an organiser?—Quite so.

94,349. Did you know whether there were other organisers at that time at work in different parts of Ireland?—Oh, yes.

94,350. As active as you in forming branches there?—Yes, I suppose they were.

94,351. With the rules and objects of the association as well?—Yes, I suppose so.

94,352. Did you enter into any detailed instructions as to the way that your accounts were to be kept or the minute books kept?—No, I never troubled myself about the financial aspect of that movement at all.

94,353. Not only financially, but as to the means of conducting the Land League?—Well, I never entered into that. I really had very little to do with the Land League after the first month or so. I was kept busy here in London.

94,354. Did you return to Ireland during 1880?—I may have; yes; I have no distinct recollection of it.

94,355. In 1881 were you receiving any money from America; I do not mean personally, but in connexion with the movement?—No.

94,356. Are you sure of that?—In 1880?

94,357. No, in 1881?—In 1881, no; certainly not.

(*Sir Henry James.*) My Lords, I am referring to page 2549. I think it is better to call Mr. O'Kelly's attention to it, so that he will know what I am speaking about. It is a sum stated to be an account up to the 31st of May 1881:—

“ Total receipts by ‘ Irish World ’ up to 31st May 1881, 88,000 dols.”

Then there comes an account of expenditure:

“ Purchase of bonds, 31,488 dols.; lent by F. C. (that is, executive body),  
“ that is, supreme council, for tools, 10,000 dols.; lent to executive body,  
“ 5,875 dols.; Irish volunteers, 1,000 dols.; J. O'Mahoney's burial, 2,030 dols.;  
“ Rossa's defalcation, 1,321 dols.; old submarine vessel, 4,042 dols.; new sub-  
“ marine vessel, 23,345 dols.”

Then comes this item:

“ Subsidising foreign newspapers, J. J. O'Kelly, 2,000 dols.”

94,358. Do you know anything of that sum?—No, I know nothing about it.

(*Mr. Justice A. L. Smith.*) The next line is, “ That is wrong.”

(*Sir H. James.*) I am much obliged to your Lordship. We must take the two answers together. It would be right that I should read it.

“ Subsidising foreign newspapers, J. J. O'Kelly, 2,000 dols.”



16 July 1889.]

JAMES O'KELLY.

[Continued.]

Then he is asked at question 44,019 :—

“ I see, as Sir Charles Russell points out to ‘ subsidising foreign newspapers,’  
“ you have added in the print handed to me ‘ J. J. O’Kelly.’ Why do you put  
“ J. J. O’Kelly after that?—(A.) Because it was a matter of public notoriety,  
“ and a matter of fact mentioned at the time.”

94,359. I am much obliged to your Lordship. It is right you should see that, Mr. O’Kelly ?—It is entirely untrue ; the whole thing is utterly untrue.

94,360. I was speaking to you of the sum of 2,000 dollars, which you say you never did receive at all ?—No.

94,361. Just go back to the item as to the 10,000 dollars ; I understand you to say that you retained 1,600*l.* of that amount ?—I did, yes.

94,362. You returned it to the treasurer ?—Well, of course it reached the treasurer.

94,363. Was your attention called to the fact that in the “ Irish World,” as I am told it is, that the sums which had been handed to you, 10,000 dollars, had been spent in electioneering ?—Yes, I saw that ; it is utterly untrue.

94,364. What did you do when you saw it ?—I did not do anything.

94,365. Did you write and deny it ?—No ; no one who knows me would require any denial of such a thing.

94,366. Here is another sum. I am referring now to page 2740, an account put in “ Debits against the Fund ” :—

“ O’Kelly and ‘ Irish World ’ Loan, \$12,000.”

Do you know the account I am referring to, Mr. O’Kelly ?—I know nothing about it.

94,367. Does that convey nothing to you, such an item ?—Nothing. I have knowledge of no item but the one to which I have already spoken.

94,368. Then you know nothing more about this. Now, in this account there is : “ Subsidising foreign newspapers, J. J. G’Kelly, \$2,000,” and also “ Special to O’Kelly, “ \$177.” Do you know anything of that ?—I do not know. I never subsidised any newspapers, foreign or otherwise, or received any money to do it.

94,369. I refer you to an account now of the 31st of May 1881 : “ Subsidising “ foreign newspapers, J. J. O’Kelly, \$2,000 ; Land League trial, Davitt, \$1,502 ; special “ to O’Kelly, \$177 ” ?—I know nothing of it, except that it may be accounted for perhaps ; it is less the exchange, or the cost of sending the money back, that may be it.

94,370. The special to O’Kelly ?—I mean the special.

94,371. The small one may, but the subsidising foreign newspapers ?—I know nothing of it ; I never received a penny for such purposes, nor a penny of that \$2,000.

94,372. Have you received any money at all from America since 1880 ?—I have received money, but not from the organisation.

94,373. I am speaking in relation to the movement, from any source in relation to the movement have you received any ?—No.

94,374. I am not speaking of your personal affairs, but in connexion with your position as a member of the League, or a supporter of Mr. Parnell, or in connexion with politics, have you received any money from America ?—No.

94,375. Not from Ford, or from anyone in America, in connexion with politics ?—Not anyone.

94,376. Did you continue a member of the Land League until it was dissolved ?—Yes, but not a very active one. As I tell you, my action on this side was almost wholly——

94,377. Did you become a member of the National League when the Land League was dissolved ?—Yes, I think so.

94,378. Does your same answer apply to the case you have given to me in relation to the land, as to taking an active part ?—Practically it does, with the exception of attending public meetings here and there, principally in my own county.

94,379. I was calling attention to a letter of yours of January 12th 1884, addressed to the “ Irishman.” The newspaper is here, perhaps you will recollect it. It was a testimonial which was given to a man named Barnard McHugh of Castlereagh ?—Oh, yes.

94,380. Had he been charged with murder ?—Yes, murder, but falsely charged with it.

94,381. I will take care that you shall have an opportunity of explaining, but that was the charge ?—That was the charge.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,382. A testimonial was got up for him?—Yes.

94,383. This is the letter, as I have it here:—

“ November 14th, House of Commons. This movement has my thorough approval as I consider that McHugh has been scandalously persecuted by the agents of the Government ”

—Hear, hear.

94,384. “ Because of his well-known Nationalist opinions ”?—So he has been. He has been arrested every time that the police have had any chance of arresting anybody, and always falsely. That man has been in prison for five years during the last eight or nine years, and kept in prison when the police knew he was innocent.

94,385. That is your view?—It is not a view, it is a fact which was proved on his trial.

94,386. Well, that is your opinion. He was tried for the murder of Mr. Young of Castlereagh?—Yes, falsely accused of it.

94,387. Has he emigrated to America now?—Not that I am aware of.

94,388. I have got a break here, and therefore I do not wish to say that this is complete. It is an extract:—

“ That it was their duty to prove to the Government that the Irish people are resolved to sustain those who suffer injury while fighting for the cause of the people ”

—Certainly. Why not. ’

94,389. I should like to ask you, what meaning do you attribute to those words?—That it is the duty of the people to sustain people who are attacked by the Government unjustly.

94,390. The jury disagreed in that case, I think?—I think not. The men were acquitted.

94,391. I am told so. I do not know that it was the case?—The men were acquitted.

94,392. I will take your statement. The suggestion made to me was that the jury disagreed?—I am speaking of course from memory, but I am almost certain that I am right.

94,393. A question or two as to a speech you made. I am referring to a speech of October 3rd, or rather it is under the date of that, in the “ Cork Herald.” This is the extract I am reading from. You say here:—

“ Much as he sympathised with the farmer he sympathised more with the country itself. The Land League was the instrument by which great social changes would be worked in Ireland; it was more, it was the harbinger of the political future which was behind. For his own part, his connexion with that movement would not end until the foreign flag left the country for ever, or else until they were lying under it. He would not cease his part in the agitation until they had gained their rights and had put the fallen flag, like their forefathers at Clontarf, into the sea. He believed they had plenty of the material he spoke of in Ireland for building up a nation, and that that material would in the future rally round the Land League. They had succeeded in gathering about the best men in Ireland; they had the representatives of the best kind of Fenianism in the south. That was the reason he believed the hope of Ireland was in the Land League, not in what it was to day, but in what it would become in the future.”

First, before I ask you anything, have you anything to say upon that subject?—Nothing, except that I entirely approve of it.

94,394. Now?—Yes, and I would repeat it.

94,395. Your political views on this subject have not changed much to the present day?—Not at all.

94,396. Is it correct now, what you say here, that the Land League had succeeded in gathering over the best men in Ireland?—Yes, I think it is, and therefore it must have gathered in the Fenians.

94,397. You assist me before I put the question to you—

“ They had succeeded in gathering about the best men in Ireland; they had the representatives of the best kind of Fenianism in the south.”



16 July 1889.]

JAMES O'KELLY.

[Continued.]

That is what you mean by the best men in Ireland?—Everybody in Ireland who were best were amongst the Fenians.

94,398. What was the best kind of Fenianism as distinguished from a different degree of Fenianism; was it those who were most devoted to the physical force movement?—Men who are best and most reliable in every way, of course. The man who is good and reliable in one way is likely to be good and reliable in others.

94,399. Now we get to vague terms; do you mean by the best kind of Fenian those who can be relied upon to carry out the objects of Fenianism—taking the field if required?—I mean the best kind of Fenians are those most devoted to the country and to the interests of the country.

94,400. But within the action of the field of Fenianism?—No, in a sense; really Fenianism after all is a national faith; it is an effort of the young men to improve the position of their country generally by every means; by force of arms if no other means offer themselves to them.

94,401. But, Mr. O'Kelly, you said in relation to your last answer, men may be devoted to their country without being Fenians?—Yes, certainly.

94,402. When you said the best kind of Fenians, do you mean those persons who would be most active in carrying out Fenian objects?—Not exactly. I call the best kind of Fenian the man who is most devoted to the country. A man might be a very good Fenian and a very bad Irishman; that is to say, he might place the interests of Fenianism before the interests of the country. Such a man I would regard as a very bad Fenian; whereas a man might place the interests of his country before the particular idea, and I would count him a good Fenian and a good Irishman generally.

94,403. A good Irishman may be a good Fenian; did you mean when you spoke of a good Fenian to draw any contrast between that and a lesser kind of Fenian?—No; it was one of those rhetorical expressions I made use of; I may not be a very good orator, and one seeks an adjective occasionally.

94,404. Was it within your knowledge when you spoke at this time, 1881, that the Land League had succeeded in gathering within its ranks the best kind of Fenians in the south?—Well, I would only have a very vague knowledge. Of course I had the knowledge that a great number of Fenians had come in to us; and we regarded those Fenians who had come into us, as the very best kind of Fenians.

94,404a. It was as I understand you, the men who up to the end of 1879 had been within the Irish Republican Brotherhood, that passed over into the ranks of the Land League?—Many of them without leaving the brotherhood I daresay acted with us.

94,405. I presume from what you tell me you adhere to what you said in this speech?—Certainly.

94,406. You were looking to the future, and beyond the immediate action of the Land League to the great political objects you had in mind?—Yes, certainly.

94,407. Using the Land League for that purpose only?—Not using the Land League for that purpose only. We used the Land League for the social purpose for which it was organised. Everything that improves the position of our people helps our national movement; that is our view.

94,408. Do you agree with this, "The Land League was the instrument by which great social changes would be worked in Ireland"?—It was the harbinger of the political future behind his own purpose, that that movement would not end until the foreign flag left the country for ever, or else until they were lying under it. I got six months' imprisonment for making that speech, so I do not think it is very fair for you to press me too hard.

94,409. You have no counsel, so I really do not want to press you. I want to know whether that expressed at that time the views you entertained?—Perfectly. I generally try to express myself as clearly as I am able to, and to say what I really think.

94,410. Now, Mr. O'Kelly, you told me not to press you about matters of a political aspect; you have just said these are your views which I read to you. There is another speech of yours which seems to have expressed the same view. It is a speech I think at Wexford. I will give you the date in a moment—the 9th October 1881. You say this:—

"We have never concealed that behind that social resurrection we hoped to effect the political resurrection of this country. I believe it is because we are supported and backed by the men in this country who believe in the political



16 July 1889.]

JAMES O'KELLY.

[Continued.]

“regeneration of Ireland, we have been able to gather round the Land League  
“flag the immense and irresistible force we have now around us.”

That seems to agree with what you have said now, you adhere to that still?—Yes, I agree with that.

94,411. Coming to period a little later, have you ever seen this man, Thomas Walsh, since the earlier period of your action?—Yes, I saw him after he came out of prison, he called down at the House, and I saw him.

94,412. Has he ever had any money from you?—Yes.

94,413. I am not speaking of the early time?—No, I am talking now; he has never had it directly from me, but I subscribed money. There was a subscription got up for him and I gave him some money.

94,413a. When was that?—Sometime after he got out of prison, I mean immediately after the man was released from prison.

94,414. His conviction took place at the end of 1882 and the beginning of 1883. Do you recollect how long he was in prison?—He was there either five or seven years.

94,415. That was the sentence, but he was released, he must have been?—No, I think his time had expired, was it not? I do not think he got any grace. I mean he got nothing but what he had a right to.

94,416. I will take it, it may be so?—That is my impression; I really do not know much about it.

94,417. Did he call and see you at your office in the city?—No.

94,418. Where did he see you?—I met him somewhere—some friends of his came down to the House—but I remember—did not see him at the House; I met him, I think it was somewhere in the street, somewhere towards Sloane Square.

94,419. Accidentally?—Accidentally.

94,420. Did you see him more than once?—Once.

94,421. A subscription was raised for him, you say?—Yes.

94,422. By whom?—By some committee here in London—some of his old friends.

94,423. Was Mr. Biggar the treasurer?—I am not aware who the treasurer was.

94,424. You do not know through whom the money passed?—I am not quite sure.

94,425. With the exception of having been the means of buying arms and sending them to Ireland, Thomas Walsh had no claim upon you or anyone?—Not that I am aware of.

94,426. How long ago was it since this money was paid to Thomas Walsh?—What money?

94,427. The money that was subscribed?—I do not know when it was paid. I think it was given about the time when he was released—a week or two after.

94,428. Would that be a year or two after?—Whenever he was released; you have the date.

94,429. I have not it in my mind; you cannot tell me who were the subscribers or who was the treasurer?—No, I cannot.

94,430. Am I to take it from you?—I gave a small sum of money.

94,431. Is that the only sum that has passed between you and Walsh or any of his family?—The only sum.

94,432. That subscribed sum?—That subscribed sum.

94,433. Was any money, to your knowledge, paid to his wife, or any member of his family from any fund of the League?—Not to my knowledge; no.

94,434. Or from any other source?—Not from any source I have any knowledge of.

94,435. Now come to Paris for a moment. Were you in Paris during 1882, 1883, or 1884—1881, 1882, or 1883?—1881 and 1882, yes. I am not quite sure I was there when Mr. Parnell and the other gentlemen went over; that is the period you want information about.

94,436. I want what period you were there. That would be, I think, in the year 1880?—Well, I am not quite sure whether it was before.

94,437. Were you there in February 1881?—Oh, it must have been, I think—I am not quite sure—I could not have been in February.

94,438. Or June 1880?—I was in prison in 1881, was I not?



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,439. Did you go to Paris entirely on your own personal matter, or matters connected with the movement?—The one visit. On one occasion I went to Paris on the business of the Land League, that is when the Government was about to undertake some prosecutions, and we went over, and had some meetings there in order to consult as to what line of action we would pursue; that is the only occasion upon which I have gone on any other than my own business.

94,440. Did you have any communication with a company carrying on business as the Credit Lyonnaise?—Yes.

94,441. When was that?—About 1884 I think; I have a small account at the Credit Lyonnaise which I opened just before I went to Egypt; it had no existence in 1881 or 1882.

94,442. Was that an account that was entirely for your own personal use?—Absolutely.

94,443. And nothing whatever to do with the League?—Absolutely nothing.

94,444. That you are quite sure of?—Absolutely; it is an account that has never been touched.

94,445. Opened in your name and for your own purposes?—In my own name and for my own purposes.

94,446. I think it is right to ask you, after what you said so positively, you never had any account in the Credit Lyonnaise in the name of Kenelm Martin; did you ever know anyone passing by the name of Kenelm Martin?—I did not.

94,447. Was there anyone, to your knowledge, in 1880 sending money from Paris to London for purchasing arms from the year 1881?—Not to my knowledge.

94,448. You never heard of such such a person?—Never heard of them until I saw the cheques here.

94,449. Neither in 1880 nor in 1881?—Neither in 1880 nor 1881.

94,450. You never knew of any sum, such as 824*l.*, being sent over?—Never. I had no knowledge of it whatever.

94,451. I have the passage. We get from Mr. Harris' diary, February 1881:—

“ February 13. Meeting of council in Paris, London, Kettle, Brennan, and  
“ O'Kelly.”

—Probably.

94,452. Mr. Healy and Biggar?—Yes.

94,453. Those are the persons?—Yes.

94,454. What is the term you apply to a meeting of council?—The council of the Land League organisation.

94,455. Were you on the council at that time?—I think so. I must have been, of course, or I would not have been there.

94,456. Then, one amount——?—I was on the council for a short time, and then I dropped off it.

94,457. I do not understand the meaning of it. Was that the executive council?—Yes.

94,458. That was the managing council, then. For what period were you on the council?—I really could not say. I took very little part in it. It was really an honorary position more than anything else.

94,459. Was there any formal act, or did you only pass away?—No; I passed away.

94,460. By non-attendance?—By non-attendance.

94,461. As far as the formal position is concerned, you would remain on until the Land League was suppressed?—No, I think not. I think I was replaced. My remembrance is that the councils were renewed from time to time, and some one went on in my place, as I was living in London and paid very little attention.

94,462. Did you ever take any part whatever in the direction of the affairs of the Land League?—Oh, yes, in the beginning I had. I took a consultative action.

94,463. Of course I know the organisation you speak of in 1880?—Yes, you mean as member of the council. Yes, for instance, I attended that meeting.

94,464. Therefore I gather from that you must have been active. What period will you give as to when you were a member of the council?—Well, I really do not know when I ceased to be a member of it. My activity practically ceased after that period because I went very little to Ireland after that, therefore I practically dropped out of it. That is my remembrance of it.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,465. When did you begin?—I think I was on when the council was first appointed.

94,466. You would attend meetings, I presume, at the central office in Dublin?—Yes, when I was in Dublin.

94,467. Did you ever see the reports that came up from the branches?—Yes, sometimes.

94,468. Were you consulted upon them?—Very slightly, very slightly; that would be a matter that would be treated by whoever was in charge.

94,469. Were you in charge in February 1881?—I may have been for a short time; at the time that I tell you. I was a kind of general organiser then; it was a very short time; it had almost slipped out of my memory.

94,470. I understood from your evidence that was a short time in 1880 before you commenced your parliamentary duties, and came to London?—No, the whole period was after I became a member of Parliament—I had never taken any active part—at least I think not as an active member of the Land League. I became an active member of the Land League only after I became a member of Parliament, in the sense of being an officer.

94,471. I am speaking of practical dealing with the affairs of the Land League, and speaking now after the election of 1880, did you not from 1880 until a period after February 1881, take an active part in the affairs of the management of the Land League?—No, I cannot say I ever took a very active part in it.

94,472. Were you attending the offices, and attending in the capacity of a member of the council?—Only occasionally, because I was here in London, and a member of Parliament.

94,473. We have here, for instance, in Mr. Matthew Harris' diary, under the date of 7th February, amongst other things, this:—

“Got letter from O'Kelly requiring my presence in London.”

As far as you know would that be a letter from you?—I suppose so.

94,474. There would be no other gentleman occupying a position who would be likely to write to Matthew Harris requiring his presence in London?—I do not know, Mr. Matthew Harris will tell you that.

94,475. Mr. Matthew Harris accompanied you to Paris, or was there with you?—He was there, certainly, that is my remembrance.

94,476. It is so in his diary?—That is my remembrance, but I am not certain.

94,477. You had written to him apparently, requiring his presence in London?—Perhaps so, I have no remembrance of it.

94,478. How is it; would you be writing if not taking an active part in the affairs of the League?—I did not say that. Up to that period I was not taking an active part in it. I say there was an early period in the movement when I did take an active part in it. It was only a very short time; unfortunately I am not able where to place that exact period.

94,479. I was refreshing your memory by such acts as these. As to the disposal of the funds, were you consulted?—Very little. Of course if I happened to be present at the meeting when there was a question of funds I suppose I would be consulted, as anyone else, but I know very little about the funds of the organisation.

94,480. Where were you when the Land League was suppressed?—I think I must have been here in London. I am not sure.

94,481. Did you go over to Ireland at all?—I do not remember.

94,482. Had you anything to do as to any arrangements made as to the books or documents?—No, because I think I was in prison. I was in prison. I was arrested two days after Mr. Parnell.

94,483. We know the date of that, October 13th, 1881. Before, that date, had you any knowledge whatever immediately of the affairs of the Land League at the Central Office in Dublin?—No; at that period I knew very little about it, very little about it, indeed; in fact, I had only just gone over from London. I had been only over two or three days in Ireland when I was arrested.

94,484. What part have you taken, if at all, in the management of the National League?—Practically none.

94,485. Are you a member of the governing body of that League?—I think not.



16 July 1889.]

JAMES O'KELLY.

[Continued.]

94,486. Do not you know?—Unless I am an honorary member I have taken no part in it.

94,487. You are sure you took us part in it?—Yes.

94,488. You took no active part?—No, I am not even sure I am a member.

94,489. There is only one more subject I think I have to ask you—did you see Le Caron when he came to England?—I have no remembrance of ever having seen him.

94,490. Let us go back to the month of April 1881, were you attending to your parliamentary duties at that time?—Well, if Parliament was sitting I would probably be.

94,491. Did you see the witness Beach or Le Caron—were you in court when he was examined?—No, but I saw his portrait in the papers, I have no remembrance of him.

94,492. Those may have been an assistance or not—but you have not seen him personally?—No, I have no remembrance of ever having seen him.

94,493. Did you read the account he gave of the interview with you?—I did, and I thought it a most improbable account.

94,494. It was specific?—Yes, and I have no remembrance of it, but it was an account of a transaction very unlikely on my part because I would not be likely to introduce a man, whom I knew nothing about, to Mr. Parnell.

94,495. He gave particulars of certain statements made by you?—Yes, which I believe to be untrue.

94,496. For instance, he said you denounced O'Leary as an old fossil—do you say nothing of that kind ever took place?—I have no remembrance of it, and it was a most unlikely thing.

94,497. There are some things a person can be positive and certain about, though they may not recollect the person stating them,—having read that evidence are you able to say positively you had no such conversation with him?—I am prepared to say I have not the slightest remembrance of any such conversation ever having taken place.

94,498. You can gauge your own mind better than I—does that fall short of saying it did not take place?—Well, it scarcely falls short.

94,499. Falls short, well I hardly know what that may mean?—It is a transaction of which I have absolutely no memory, that is to say, there is no trace of memory in my mind of the event having occurred, but I am not, therefore, in a position to say it never occurred. I can neither swear that it did, nor that it did not.

94,500. You knew who John O'Leary was, did you not?—I did, well.

94,501. He used the term “our agent”?—Who?

94,502. John O'Leary. Had he been an agent for any organisation?—I should think I never knew Mr. O'Leary in the position of agent for any organisation.

94,503. Where had you known him?—I knew him in several places. I knew him in America and in Paris.

94,504. Did you know him in America?—Yes.

94,505. What had he been in America?—Nothing. He is a gentleman at leisure.

94,506. Did he sympathise with you in your political opinions?—Yes, certainly. He was one of the men whom you kept in prison for seven or eight or nine years as a Fenian.

94,507. When he came to America you knew him?—Yes, certainly.

94,508. Did not he take an active part in political action there?—He may or he may not have.

94,509. Do you mean to say you did not know?—How could I know it?

94,510. Because you were there seeing him?—He might take political action without my knowing it.

94,511. It is page 2498:—

“ He denounced Mr. John O'Leary, our agent, as an old fossil. I believe I told him Mr. O'Leary had denounced him for deserting the cause and getting into Parliament instead, betraying the interests of the organisation as their agent. During the conversation with Mr. O'Kelly I think there was a division in the House, and the lobby was very full, and talking to other members, Mr. Parnell came up into the group and at once recognised me, and we saluted



16 July 1889.]

JAMES O'KELLY.

[Continued.]

“ each other. I think we shook hands. Some few words passed between us, and  
 “ he tapped me on the shoulder and said, ‘I want to see you,’ quietly saying that.  
 “ and he beckoned to O’Kelly. Myself and Mr. O’Kelly went through the door  
 “ from the inner lobby, passing down the corridor running to the library. I  
 “ remember we were passing the doors of the library, and then we went down a  
 “ corridor running in a left-hand direction from the library, and we slowly  
 “ promenaded up and down and took another corridor, which ran still on an  
 “ angle to the left.”

I think you recognise the position there?—Yes, a very unlikely position. Mr. Parnell is not much given to slapping people on the shoulder.

94,512. I am speaking of the corridor more particularly. You see the position is correct; the corridor from the library at right angles. I only ask you once more:—

“ Mr. O’Kelly, as soon as we were in a retired portion of the corridor,  
 “ resumed the same subject of conversation that had occurred between himself  
 “ and Mr. O’Kelly previous to the approach of Mr. Parnell. That was the subject  
 “ resumed.”

Now, I ask you, do you state positively on your oath that that interview did not take place?—I wish to state that I have not the slightest memory of it.

94,513. That is all you will say?—That is all I can say.

(Sir H. James.) I think that is all I have to ask you.

(The President.) I think Mr. Matthew Harris is here.

Mr. MATTHEW HARRIS, M.P., sworn.

94,514. (The President.) Do you wish to make any statement of your own before you are cross-examined?—Well, my Lord, I would like to refer to a statement made by Sir Charles Russell with reference to me. In his speech he said this. I will read it to your Lordship: That at one time I was out of my mind after a severe fit of illness that I got. I got a very severe fit of illness, my Lord, but it had no effect whatever upon my mental powers. There was another statement which he made. “ He explained that in the old days when he had been a member of a secret organisation he had gone about everywhere himself to save the lives of the tenants, and to “ avert danger from the landlords and land agents.” Well, now I was never a member of any secret society in those days, my Lord. He is alluding there to the period of 1843. I never joined any secret society except the Fenian organisation. I think it right to state that to your Lordship, lest there might be some misapprehension about it, because I have no counsel to defend me now, I believe. That is all the statement I have to make, my Lord.

Cross-examined by Sir HENRY JAMES.

94,515. Mr. Harris, I will detain you for as short a period as I can, I am afraid you are unwell. When did you join, as I understand you to say you did join, the Fenian organisation?—I joined it in 1865.

94,516. How long did you continue a member of that organisation?—I continued up to the year 1880.

94,517. Do you draw any distinction between the Fenian organisation and the Irish Republican Brotherhood?—Yes, the one preceded the other.

94,518. The Fenian preceded?—The Fenian organisation under Mr. Stephens was the first secret organisation, and then after its collapse in 1867 the Irish Republican Brotherhood was created under the supreme council.

94,519. And would it be, as Mr. O’Kelly said, that the word Fenian was popularly attached to the Irish Republican Brotherhood after it came into existence?—Well, up to the present time, it is a general term for Irish revolutionists engaged in secret societies.

94,520. Have you any record either of the form of oath that is taken or was taken by the Fenians or the members of the Irish Republican Brotherhood?—I have a vague



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

recollection of it. It was simply an oath to take up arms for the freedom of the country.

94,521. Can I obtain from you any form of the constitution of the Irish Republican Brotherhood either as it originally existed or as it was amended, if amended?—Well, I do not recollect it. We could not keep those documents. It was dangerous to keep them, and my memory does not serve me so well as to enable me to give you the constitution. I have read both of the constitutions.

94,522. You have had a copy have you not?—I have had a copy.

94,523. Of the constitution of the Irish Republican Brotherhood?—Yes.

94,524. Was that constitution at any time amended?—It was amended.

94,525. Can you tell me about the time when it was amended?—It was amended in the year 1873.

94,526. In the first place these were in writing. Is there nowhere where you can obtain a copy of this constitution for us?—Oh, no. I destroyed the copy I had very soon after having got it; when I had studied it over I destroyed it. Of course, it was a rather dangerous thing to keep such documents.

94,527. I will take your word. Did this appear?—

“The supreme council shall have power to award capital punishment only in cases of treason, and the crime of treason is hereby defined as any wilful act or word on the part of any member of the I. R. B., or of the supreme council, calculated to betray the cause of Irish independence and subserve the interest of the British or any other foreign Government in Ireland to the detriment of Irish independence.”

—As far as my memory goes there was no such paragraph or clause in the constitution at all. I am almost certain there was not.

94,528. Of course such a paragraph as this must have attracted your attention if it existed?—Yes.

94,529. Do you say positively that such a paragraph did not exist?—Well, I say to the best of my belief, as far as my judgment goes and my memory serves me, there was no such paragraph in it, and I hardly think it could escape me. As I tell you it is a long time ago.

94,530.

“The supreme council shall appoint a secret court in each of the seven divisions of the I. R. B. for the trial of all members charged with the commission of treason or grave misdemeanors.”

—There was no such clause in it as far as my memory serves me.

94,531. Were there seven divisions of the Irish Republican Brotherhood?—There were.

94,532. First, there were seven divisions. There was a supreme council, was there not?—Yes, there was.

94,533. Was there not a secret court in each division?—None that ever I knew of, and I had a pretty fair acquaintance with it.

94,534. It was of course that which you would call high treason against your body for any person to have given information of the secrets of the organisation?—Well, yes, it was. It was an act of traitorism.

94,535. Traitorism, that is the word used. What was the punishment inflicted upon traitors?—There was no punishment ever inflicted upon traitors, as long as I was connected with the council, except that their traitorism was made known, and that they were held up to odium through the general body. I can illustrate that by facts.

94,536. If there is anything in your mind which with his Lordship's permission you wish to state, pray do not think I am stopping you. You have no counsel to examine you. State it if you wish to. My point is not so much what was executed, but according to your constitution what was the punishment to be inflicted upon traitors?—According to our constitution there was no special punishment named for traitors, and I believe that statement to be entirely wrong.

94,537. You mean that in no printed document referring to the amended constitution of your body, as far as you know, was there any statement of the punishment



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

inflicted upon traitors?—No. In no printed document. I was present when the constitution of the Irish Republican Brotherhood was passed, and I have a pretty fair memory of it, and that document there must be a local document got up by parties in some locality or other. That is my belief.

94,538. You see the document is very general. “Amended constitution of the supreme council of the Irish Republican Brotherhood and Government of the Irish Republic.” Let me see how far you will say it is authentic. Listen please to this—

“1st. The supreme council of the Irish Republican Brotherhood and Government of the Irish Republic is and shall be composed of eleven members.”

Would that be correct?—That is quite correct, yes.

94,539.

“Seven of said members shall be elected by the seven electoral divisions as marked out in the constitution of the Irish Republican Brotherhood, and the remaining four shall be honorary members and shall be elected by the seven to whom alone their names shall be known, and the enactments of the Government so constituted, shall be the laws of the Irish Republic until the territory thereof shall have been recovered from the English enemy, and a permanent Government established”?

Would that be correct?—Yes, it is.

94,540. That is right?—Yes.

94,541. That would be not got up locally, but would have a general application to the Irish Republican Brotherhood throughout Ireland?—I rather think that the other was introduced locally. They have got the headings of it there, but I think that other part must have been introduced locally for a special purpose.

94,542. So far we are on a general rule.

“The manner of election of the before-mentioned seven members of the supreme council shall be as follows:—The county or district centres shall be assembled in convention, and shall elect a committee of five of their number, who, under seal of an oath of secrecy, shall elect the member of the supreme council for the division whereunto they belong.”

Is that correct?—I am doubtful about that, because I know as a matter of fact that in some cases they were elected differently.

94,543. But was not this the rule at one time?—I think it was the rule as regards England, but not as regards Ireland.

94,544.

“The term of office of the supreme council shall be *two years*, but any member may be removed at any time by a two-thirds vote of his constituents, or a two-thirds vote of the supreme council, and any member of the S. C. wishing to resign shall give one months’ notice to his constituents, and to the S. C.”?

I rather think that is correct; but it is unimportant, and did not fix itself upon my memory.

94,545.

“There is and shall be an executive of the supreme council, composed of the president, secretary, and treasurer of that body, the decision of any two of whom shall be binding on all”?

—That is correct.

94,546.

“The duty of the president of the supreme council shall be to direct the workings of the Irish Republican Brotherhood in all its departments subject to the control of the supreme council”?

—Yes.

94,547. If you will dissent kindly say so. I will assume it is correct till you dissent?

—That is correct.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,548.

"The appointment, suspension, and removal of all departmental officers shall be vested in the executive, subject to the approval of the supreme council"?

—Yes, well really those are the usages. I do not remember those things from the document itself, but I know that such was the practice of the organisation.

94,549.

"No member of the supreme council, or officer in the employment thereof, shall be in receipt of any salary from the funds of the supreme council, or the Irish Republican Brotherhood"?

"The authority of the supreme council shall be unquestioned by those who have become, or may hereafter become, members of the I. R. B., and the supreme council is hereby declared, in fact as well as by right, the sole government of the Irish Republic, and has authority to levy taxes, negotiate loans, make war and peace, and do all other acts necessary for the protection of the Irish Republic; and the members of the supreme council shall be bound to this constitution and to one another by an oath of fidelity and inviolable secrecy, and every act or attempted act of any member of the I. R. B. to subvert the authority of the supreme council shall, in time of peace, be a grave misdemeanor, and punishable accordingly, and in time of war every such act or attempted act shall be treason, and punishable with death."

—I have no recollection of that. I have no recollection of nearly all you have read now, except in this way, that I know that it corresponds with the usage of the organisation. As I said, my Lords, it is a very long time since I read that document; but, knowing very well that it accorded with the principles and the mode in which we acted, I have endorsed all of it that I thought was in accord with our action, with the exception of that latter part, and it is not very important, I think.

94,550. I say again I do not wish to trouble you unnecessarily, but will you tell me what part of this eighth clause that I have read does your memory bring you back to, and what part is omitted from your memory?—The early part, you seem to say, would be correct?—Yes, I think the opening statement is correct.

94,551.

"And the members of the supreme council shall be bound to this constitution and to one another by an oath of fidelity and inviolable secrecy, and every act or attempted act of any member of the I. R. B. to subvert the authority of the supreme council shall, in time of peace, be a grave misdemeanor and punishable accordingly."

Do you think that occurred?—That is correct. I daresay that was quite in accord with our principles.

94,552. Then here comes running on:—

"And in time of war every such act or attempted act shall be treason and punishable with death."

—I would be inclined not to agree with that. I do not believe that was a part of the constitution.

94,553. You see it was part of your constitution that you should levy war?—Yes.

94,554. Then supposing you were levying war, and a person when levying war was guilty of an act of treason towards the body he was serving—those for whom he was fighting,—would it be according to you strange to find here "in time of war every such act" (that is, act of treachery or treason) "shall be treason, and punishable with death"?—No, it would not, and I really think it should be embodied in the constitution; but I know very well it was debated that this constitution should be printed and published throughout the kingdom,—placarded,—in order to give the community an opportunity of judging for themselves, whether they would support the supreme council or otherwise; and prudential motives would suggest that anything like the taking of human life would not be introduced into such a document; and I know, from the gentlemen who were present at the formation of that document, and who passed it by resolution, that they carefully avoided on many occasions all



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

allusion to taking human life. These are my reasons for not thinking it can be correct.

94,555. You do not represent that this constitution was to be published openly to the public?—It was debated that it should be openly published to the public. I was of opinion that it was the right thing to do myself.

94,556. But it never was, was it?—No, it was not.

94,557. Other counsels prevailed. If published, it would be only published amongst Fenians?—No, it was to be published generally; to give the community an opportunity, and to save members of the Fenian organisation from suffering for having a copy of that document with them.

94,558. When you say published generally, I think you have already limited that. You do not mean it was to be given to all members of the public who differed from your views; it was to be given only to those who agreed with you?—It was debated, I say. The advisability of sending it to the public press was discussed; and letting every person judge then for themselves, because it would not commit anybody to the document, and we were well aware that the Government would get possession of the document, and it would be widely circulated after a little time.

94,559. The result of the debate was that it was not circulated?—Quite so.

94,560. Then the persons amongst whom it was circulated had taken an oath not to disclose the secrets of the organisation?—Yes; well, the constitution was not one of those secrets. Our constitution was not to be made a secret of; and there were very many things connected with the organisation that were not secret, but which we were bound to communicate to parties outside.

94,561. If you had inserted that persons were to be punishable by death, that would be kept secret, would not it?—Well, of course it would.

94,562. Then that would be one of the secrets of the organisation?—That would be one of the secrets of the organisation; but I deny that any such clause was in it. I rather think, for the reasons I assign, that there was not.

94,563. Let us proceed:—

“The supreme council reserves to itself the right of treating with all friendly powers on all matters concerning the welfare of Ireland and the advancement of the cause of Irish independence.”

Would that be right?—I rather think so.

94,564.

“Executive power shall never be vested in one man, but shall be vested in the president, secretary, and treasurer of the supreme council.

“Every member of the I. R. B. and every member of the supreme council owes civil and military obedience to the executive of the supreme council, and the president thereof is, in fact as well as by right, the president of the Irish republic.

“In the event of the supreme council being unavoidably reduced in number, the remaining member or members shall exercise the authority of the supreme council until such time as the vacancies shall have been filled up, which shall be done as soon as possible, and the same for the executive.

“The military authority shall at all times be and remain subject to the civil government, and shall never be permitted to arrogate to itself the power of legislating or of restraining in any way the constitution of the Irish Republic as promulgated by the supreme council.

“At each meeting of the supreme council the members thereof shall hand in a summarised statement of the receipts and expenditure of their respective divisions.”

So far, with the exception of a small portion of one paragraph, you say that is correct?—Yes.

94,565. I will not read it again. I now come to paragraphs 15 and 16, paragraphs referring to the power of the supreme council to award capital punishment in cases of treason.

“The supreme council shall appoint a secret court in each of the seven divisions of the I. R. B. for the trial of all members charged with the commission of treason or grave misdemeanours?”

—I do not think there were any such clauses in it. I think that is an interpolation.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,566. By whom?—By some local party. I do not know by whom. It is either by some local members of the organisation itself or by some parties anxious to do injury to the organisation by holding it up as what it was not.

94,567. As far as we know only one copy has been found of this amended constitution, and that was seized by a policeman. If that was their object would not they have made it more public—the persons who you say interpolated these paragraphs?—Not if they wanted it for purposes of prosecution against members of the organisation.

94,568. But you see nobody was prosecuted as far as I know for this?—I merely make the assertion hap-hazard. I could not say whether it was done by local members of the Fenian organisation or not.

94,569. Have you any suggestions in support of your statement to make as to the locality where this was done or the persons by whom it was done?—Oh, not the slightest. I wonder the authorities did not get many more of those constitutions, because they were very widely diffused.

94,570. If these had been interpolated for the purpose of doing injury to the Brotherhood the authorities probably would have got a good many, would not they?—Well, I think they ought to have got some. Is that the original document you are reading now.

94,571. Yes, it is?—Will you kindly show it to me?

94,572. I will. It has got in my hands into a state of some confusion with regard to the pages. I will put them right if I can. There is the constitution. I have been reading from the amended constitution. Perhaps that will suffice for you (*passing it*)?—This is not the sort of paper it was printed on at all.

94,573. A copy you say?—The amended constitution. It was printed on large sized foolscap paper—large type. Clearly that is a document that has been printed since the original document was printed.

94,574. Of course as you were formed there were a great many branches and a great many people enrolled?—Yes, but they had no authority to reprint. It emanated from the council itself and was printed in large official form and in large type. That is a reprint at all events.

94,575. It may be?—And those interpolations were introduced into it.

94,576. Following the two paragraphs you take exception to is this:—

“The supreme council shall undertake the punishment of all minor offences committed by members of the I. R. B. once the offending members have removed from the division whereunto they belonged; and in cases where members unlawfully appropriate monies intrusted to them for national purposes, such members shall be expelled the I. R. B., and the supreme council shall draw up a list of the names of such members and circulate it through all parts of the I. R. B. and forward copies of it to representative Irishmen in every part of the world in order that those who rob the treasury of their country may be held up to the execration of all honest men.”

Was that there?—I do not know, I am sure; but I rather think it was.

94,577.

“In the Irish Republic there shall be no State religion, but every citizen shall be free to worship God according to his conscience, and perfect freedom of worship shall be guaranteed as a right and not granted as a privilege.

“The supreme council shall have power to alter or revise the foregoing constitution of the Irish Republican Brotherhood and of the supreme council of the Irish Republican Brotherhood, and government of the Irish Republic, but whenever it is contemplated to make any alterations it shall be necessary to give one month's notice of the meeting of the supreme council at which such alteration is proposed to be effected; and it shall require a two-thirds vote of the supreme council to make the proposed change.

“By order of

“THE SUPREME COUNCIL.”

Would that be correct?—Yes.

Adjourned for a short time.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

(*The Attorney-General.*) My Lords, during the adjournment I have made some inquiries respecting the matter mentioned by Mr. Parnell, and I am informed that I could not possibly have the information I require ready for me by Thursday; it depends to a great extent upon the completion of the examination of the books, which is now going on under the direction of Mr. Cunynghame; I hope it may be expedited. We have, of course, been placed in certain difficulty by the course pursued this morning; but I think if nothing unforeseen happens I shall be ready by Tuesday morning. If your Lordships have no objection I will communicate with Mr. Lewis, or through Mr. Soames, with respect to the matter, and if I am obliged to mention it I will do so to-morrow morning.

(*The President.*) Very well.

Mr. MATTHEW HARRIS recalled; further cross-examined by Sir H. JAMES.

94,578. Mr. Harris, I was dealing with the period prior to your connexion with the Land League during which you were a Fenian. Were you aware that arms were being sent, I mean through Fenian agency, to Ireland?—I was; but before approaching that perhaps I may be allowed to explain with reference to the documents of the constitution. As regards that constitution, as I explained, my memory would not serve me now with reference to the various clauses, but I recognise the style of the document; and I recognise also in the various clauses a practice in the movement with reference to the clauses which impose a penalty of death. The reason I doubt that so very much is this: It is so contrary to the spirit and practice of the Fenian organisation. The president of that organisation was Mr. Kickham, and there was an opportunity of shooting Nagle, who was the most important informer who was ever connected with any Fenian or secret organisation in Ireland, and at the time when it was referred to them whether Nagle should have been shot or not, he decided the man was not to be shot, though his compatriots and himself were at the mercy of this informer, and the result of the mercy towards him was that he was transported for 20 years. I could give a similar illustration with regard to myself, but I do not want to go into personal matters with regard to myself.

94,579. (*The President.*) I cannot help pointing out that it was a matter discussed whether this man should or should not be shot?—The subordinates of the organisation got acquainted with him. They said if they wanted to see this man they would have an opportunity of seeing him in the yard he used to take exercise in. There was no discussion about it. They brought the information to Mr. Stephens, who was at that time the head of the organisation in Dublin, and he decided at once the man was not to be shot, that he was to be allowed to live.

94,580. (*Sir H. James.*) Still I have from you what you said, that your memory did not bring back to you those clauses; but you do not go further than that, I understand?—No.

94,581. I was asking you, during those years between 1867 and 1878-79, you were aware that arms were being imported into Ireland for Fenian purposes?—I was.

94,582. You were living at that time at Ballinasloe?—I was.

94,583. Did any such arms come there to you directly, or to persons with whom you were acquainted during that time?—They did.

94,584. A considerable number of arms?—I forget how much now, but considerable numbers.

94,585. In what way were those arms distributed?—They were given to the men who had paid for them.

94,586. Allow me to put the question to you in full—would they be distributed so that each man would be provided with a rifle, or one man in the household, or were they distributed in any large numbers?—Each man would be provided with a rifle and sword bayonet.

94,587. And revolver too?—We never got revolvers in Ballinasloe, all rifles.

94,588. I am speaking of Ballinasloe, but as far as you know I presume the mode of action was the same in other districts—the same as it existed in Ballinasloe?—The same as it existed in Ballinasloe,



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,589. I will not ask you for any names, but would they be distributed amongst the farming class?—Those which I got in Ballinasloe were distributed among the farming class, and in the west of Ireland a great many of them reached the farming classes.

94,590. More or less distributed. Each household would have one of these rifles with swords on them?—Yes, wherever a member of the household would pay for the rifle or bayonet and was a member of the organisation.

94,591. And I suppose the course would be that these arms would be kept concealed?—Yes, everything had to be done *sub rosa*.

94,592. But when each farmer or man got his rifle did he keep it in a secret place, or did he bury it, or what was done with it?—He took care of it as best he could.

94,593. Those arms for the most part, I presume, remained amongst the people?—They did.

94,594. So when we come to the later period, the period of 1879, 1880, and 1881, the people would have the arms more or less in their possession?—Yes.

94,595. You were aware, I think, in the year 1878, that the question of the land and the dealing with the land had been discussed by certain persons with whom you were intimate?—Yes, I discussed it myself.

94,596. In the first place Mr. Michael Davitt was known to you?—Yes.

94,597. And I think you saw him frequently?—He came to me after getting out of jail in 1878.

94,598. At page 5660 Mr. Davitt said this, the question being put to him:—

“Mr. Matthew Harris, I think you said you did not know personally in the beginning of 1879? (A.) Oh, I think I met Mr. Matthew Harris very shortly after my release in 1877, I believe in 1878, and I visited him frequently in 1879, at his home in Ballinasloe. (Q.) Did you see Mr. Matthew Harris in order to enlist him in your movement (A.) I think it is very likely I went to discuss my views with Mr. Harris in Ballinasloe. He was a very notorious man in the West of Ireland.”

That does not mean taking any objection to you, because he proceeds:—

“Universally respected, as he is to-day by those who know him.”

That was the fact—Mr. Davitt, early in the proceeding, consulted you—saw you?—Yes, but I may tell you that I was working the Land League in a very energetic way from 1876. I gave to my counsel my speeches and statements with reference to my action prior to that time; instead of Mr. Davitt enlisting me in the movement I rather think it was the other way.

94,599. I have the trace of that in the documents I have before me—that you had taken an interest in the land question prior to 1878?—Yes, land and labour questions I always took an interest in. I was interested in everything which I thought would benefit the masses of the people.

94,600. I think you would rather apply the name of the Tenants Defence Union?—The Tenants Defence Association.

94,601. And all I need say of that was that it was an association to deal with the tenants' interests—to endeavour to protest them?—The tenants' interests, yes.

94,602. Drawing a line from the period at which Mr. Davitt saw you, had you anybody associated with you before seeing Mr. Davitt?—Yes, we had our association.

94,603. I will give you some names, I am speaking rather of the conspicuous men; had you become acquainted with Patrick Egan?—Yes, I knew Patrick Egan many years before that.

94,604. From what date did you know Mr. Patrick Egan?—I really could not tell you. I knew him for a very long time, I am sure. Twenty years or so. We were nearly from the same locality, the towns we lived in were only 10 miles apart.

94,605. Had he co-operated with you in political movements?—Yes.

94,606. Was he a Fenian?—He was.

94,607. Had you known Brennan?—Very well.

94,608. Please keep your mind prior to the line we are drawing, 1878?—Yes.

94,609. In what way did you know him?—He was down with me at the election of O'Connor Power in Mayo. I think that was something about 1873 or 1874.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,610. The general election in 1874?—The general election in 1874; that is the time; we went through that election.

94,611. Has he co-operated with you since?—Oh, yes.

94,612. Was he a Fenian?—Well, yes, he was.

94,613. When did you become acquainted with P. J. Sheridan?—At a much later date. I think it was about the period of,—let me set now—say, about 1879.

94,614. That would be shortly after your seeing Mr. Davitt?—Yes.

94,615. Was he known to you as a Fenian, or not?—He was.

94,616. When did you first see John Devoy? What time did you see John Devoy?—I think it was in 1879 or 1880.

94,617. I do not know whether it is so, had he been known to you as an active Fenian?—Well, I would not like to answer that question, sir, because Devoy came backwards and forwards, and I would rather not answer the question.

94,618. Had you known Boyton?—Yes.

94,619. When had you first known Boyton?—In the land movement, about 1880 or 1881.

94,620. Had you not known him before the end of 1878?—No, nor in 1879, I think.

94,621. Did you know him as a Fenian or not?—I never knew him as a Fenian, and I do not think he ever was a Fenian.

94,622. I do not put it to you affirmatively; I only ask you as a fact. When Mr. Davitt saw you at the end of 1878, did you learn from him who were associating themselves with him in his movement?—No; at that time he had not associated himself with anybody; but I knew from time to time, because I frequently used to go to Dublin, who were associated and who were sympathetic with the movement.

94,623. But nothing particular, you mean?—No, nothing special or particular in it.

94,624. Did you know whether he had been in communication with John Devoy or not?—I did not; even if I did it would not impress me much.

94,625. Did you know when Mr. Davitt returned from America that he had been in communication with John Devoy, and that a loan of money had been made by John Devoy to him?—I never knew it was John Devoy lent him the money at all.

94,626. You did not know that at any time?—No.

94,627. Did you agree with Mr. Davitt on any mode of action in relation to the land question?—Yes, we agreed as regards the manner of organising the movement, and that an energetic and a bold policy was necessary.

94,628. May I take it, did you agree with Mr. Davitt in his views which he has expressed; I will not give them to you lest I should not accurately translate them, but whatever he said here in the witness-box, as far as you know, do you agree with these views?—Well, I really do not know what his views are; if you mention his views comprehensively I will answer you at once.

94,629. Did you entertain the view that the Land League should be utilised for the purpose of obtaining the independent existence of Ireland?—No, I did not. I entertained a view that for the independence of Ireland any element in the community should be utilised. I did not regard the Land League as one of those elements. I rather thought myself that if the Land League movement succeeded in creating a peasantry proprietary in Ireland it might have an opposite effect of drawing the farmers of Ireland from the national movement, but when I had to take sides I thought it best to take sides with the tenant farmers, not to prevent them from receiving a great benefit. I wanted to promote the material welfare of my country, and I elected to support the tenant right movement as a practical measure of social amelioration, and took the chance for the results which would follow as regards the denationalisation of the tenant farmers themselves, which was a strong probability, and one which was always advocated by Mr. Bright.

94,630. I did not quite catch what you said—there would be a strong probability of—Did you take the chance of this movement as assisting in obtaining the independent existence of Ireland?—I took the chance of the movement, but I was rather inclined to think that so far from assisting in bringing about the independence of Ireland, that it would have the opposite effect; that when the farmers would be emancipated and get their lands, such men would look on the boundary of their farms as the boundary of their country, because farmers as a rule are very selfish men.

94,631. Am I to take it from what you say, that your primary object or your main object was simply to deal with the land question from a social aspect?—Yes, so far as



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

that movement was concerned. If I could have by any possibility combined the two things together I should have been very glad to do it because I put the national movement very far before the land movement.

94,632. Then I may take it, subject to that qualification in your mind, that the national movement you reckoned beyond and above the social movement?—Certainly.

94,633. Were you consulted as to the formation of the Land League?—I was.

94,634. I do not think you attended the Irishtown meeting, did you?—Yes, I did.

94,635. Then you are aware of the resolutions proposed there?—Yes.

94,636. There was a period in which the Land League had not been established, but in which its principles were acknowledged, between the spring of 1879 and the autumn of 1879?—Yes.

94,637. Were you consulted during that period?—Throughout the West of Ireland every principle upon which the Land League was founded was advocated by our association and published in all the leading papers in the West of Ireland, so that, previously to the Irishtown meeting, the foundation was already, so far as principle and advocacy was concerned, laid of the League itself.

94,638. What position did you occupy in the League when it was formally established?—I did not occupy any position.

94,639. Were you not any portion of the governing body?—I was not on the first executive.

94,640. When did you go on to the executive?—I forget now—when there was a re-election I was put on the executive.

94,641. About how long would that be?—I think about the year 1880.

94,642. Of course that is a very wide date to give me, would it be in the commencement of the year 1880?—No, I rather think about the [autumn of 1880, early in the autumn of 1880.

94,643. I have some dates to give you?—I cannot be sure, but I will do the best I can.

94,644. I am so treating you, Mr. Harris. You commenced, did you not, very active operations in January 1880 to organise?—From the beginning of the movement I worked away. I am not a man who cares very much about central bodies. My work was amongst the masses of the people. Wherever I got a chance I attended meetings; I worked as hard as I could without paying much regard to central executive or authority.

94,645. You were acquainted, were you not, with Michael O'Sullivan?—Very well. He was a teacher in the school where my children went.

94,646. He became also, did he not, acting secretary of the National Land League?—He did.

94,647. The letter I am referring to is at page 1928, I see, the first letter in order of date as to this matter. Mr. O'Sullivan says to you, writing under the date of January 28th, 1880:—

“My dear Mr. Harris. . . . There is a little circle—Egan, Davitt, Brennan, with a few others in the town, that work with themselves. No person knows what they are about, what objects they have in view. They are all to themselves. I am not in the confidence of the ring. They are furious with me for writing that little letter in the ‘Freeman.’ It would interfere with their own plans whatever they were, but faith I told Brennan very quietly if he thought there was anything wrong in the letter to bring it before the meeting of the committee and I would answer for my own act. There was not a word about it before the committee, who all thought the letter a very proper one as far as I could discover from conversation with some of them. Of course I did not tell anyone that Brennan, Davitt, and Egan were vexed about it.

“While I am willing to go any length to support the principle of Irish independence in its extremest form, I am not going to be led by the nose by a little clique bereft of judgment or capacity. I do not know what private object these men wish to serve. If it is to return Egan and a few others and get themselves returned, to have the opportunity of declining becoming M.P.’s,



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ why damn them, no man would support them more earnestly than I would, or  
 “ than you would. They look upon both of us as being the very same; they  
 “ cannot move us one inch further than we see it judicious to go. They are all  
 “ in the present without an eye to the past or the future, and so sure as you live,  
 “ I fear much this agitation will result in nothing, for it has too much splashing  
 “ work, puffing in newspapers, mob oratory, parade” —

Then there is a blank which is not printed in—

“ and no practical organisation work which schoolboys would do just as well,  
 “ if not better. Do you see in America how Parnell has gone on the lines of  
 “ your letter to Kickham in the ‘Irishman’ long ago. They throw the whole  
 “ credit of whatever is done on Devoy, Davitt, and Parnell.”

May I say I have read rather more *in extenso* than I should have done, but I am rather afraid, in the absence of counsel, taking excised parts; but you had written a letter some time ago to the “Irishman”?—I wrote a letter to Kickham advocating what was called the “new departure,” that is, public action on the part of members of the secret organisation. I felt that our secret organisation was becoming stationary; we were making no progress.

94,648. And was that a letter about the year 1877?—The 19th of December 1877 I think was the date of that letter.

94,649. I see we have here on page 1927 a letter of yours addressed to Kickham, in which you say:—

“I sent a letter to the ‘Irishman’ this day, addressed to you. In it I  
 “ recommend that you would call a convention,”

and so forth?—That is the first; that letter is one, and the other was a letter arguing the subject from my standpoint of the 19th.

94,650. You gave a date of the 19th of December. If you wish it the “Irishman” of that date shall be put in?—If it be a copy that I saw in some of my papers, or what are called my papers, nothing can be more misleading. The publication of my papers—the rough manuscripts that were scattered through my house—are very misleading indeed. There are any amount of mistakes and disjointed paragraphs. I should think it was improper to put them in at all.

94,651. There are some mis-spellings which were clearly not yours?—They were not paged, and the result was utter confusion. I could not myself recognise the documents at all.

94,652. Of course you had the originals in your possession at one time?—That letter is published. My counsel has the letter published in full, as it was in the “Irishman.”

94,653. This letter—you are speaking of the old letter of 1877 from Michael O’Sullivan—is a copy, but I gather from that letter that O’Sullivan writes to you that at that time work was going on by promoting the formation of branch leagues?—Yes.

94,654. It says here—

“Again the members of the League should be there and take their audience  
 “ with them if they were able. They should take every platform in the country  
 “ and not be sticking to the meetings they organise themselves and for them-  
 “ selves. But after you strip the League of its shell you find only Davitt,  
 “ Brennan, and Egan. When we see these things ourselves with what must our  
 “ enemies look upon us?”

I presume at that time active operations were going on?—Yes.

94,655. That is the date I want to fix, January 1880?—There is no doubt that Davitt and Brennan and Egan were three most active men. I say that I had a good deal to do in laying the foundation prior to that, but had it not been for Michael Davitt’s great energy and great ability, and the way he worked the movement with Brennan and Egan, it would have fallen through, I believe.

94,656. This is in relation to a matter which occurs in Sir Charles Russell’s speech, in which I think he had not the matters before him at the time he made the statement. You have a letter here on the same page of the evidence, 1930, dated the 4th of April. It is a letter from Mr. Dillon:—

“My dear Mr. Harris,—I have received your letter of April 2nd. I agree  
 “ with you there; the state of Mayo requires serious consideration. I find,



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ however, it will take an organiser of great skill and judgment to do any good  
 “ there, and as yet I have no such man at my command that I can spare for work  
 “ in Mayo, unless you think you could undertake it yourself.”

—I never undertook the work of organisation properly, and I was never a paid organiser of the League at all.

94,657. I will come to that if you will allow me?—What I meant by that in reference to this is, I did it of my own free motion, and I did not co-operate with Mr. Dillon at that time, except in that case.

94,658. I am reading to you; I want to gather, in fact, from you, whether you took part or not. Were not organisers for the League in existence early in 1880. I will read you this letter to Mr. Dillon?—Yes, I rather think they were.

94,659. Then to make the date more accurate still, if I can, at page 1931, there is a letter from Mr. Brennan to you, May 22nd, 1880:—

“ When Mr. Davitt was leaving for America, he requested me to open what-  
 “ ever letters would come for him, and through that means I read your last letter  
 “ to him.”

Then there is some matter I purposely do not read, which relates to your affairs?—I had to get money as I was working, for my expenses.

94,660. He says:—

“ Of course, no one outside the place here would know anything about it. I  
 “ will have the matter carried through some day next week. You will require  
 “ organisers in order properly to carry on the business of the League. John  
 “ Walsh is doing Connaught. What would you think of assisting him? Think  
 “ the matter over, and let me know your opinion on it.”

Had John Walsh become an organiser at Connaught?—He was an organiser for a fixed salary.

94,661. For the Land League?—Yes; he is now in Australia. That is the man from Balla.

94,662. Who were the other organisers known to you at that time?—Really I could not tell you; I employed my time so much in my own special business, and gave so much attention to it, that other matters escaped me. I would be very glad if I could give you the explanation. I do not know if Sheridan was at that time engaged or not.

94,663. When did you know, if at all, that Sheridan was an organiser?—I think he was an organiser in 1880.

94,664. What district did Sheridan take?—He took the west.

94,665. Connaught?—Connaught and Sligo.

94,666. And Galway?—Yes.

94,667. Roscommon and Sligo?—Yes, but he could not do much in Mayo; he was very unpopular there, and there was a strong feeling there.

94,668. There was something in Mayo?—That was the strong contention between the advanced Nationalist part of the League; they wanted to crush the Land League. It was most difficult to manage.

94,669. Were there any persons that you know of at this time besides Sheridan and Walsh of Balla?—No, in fact we were all organisers, every man working there. Davitt and Brennan, and the whole of us were kept going on as fast as we could in all directions. I think those are the only two men being paid organisers, especially until after the visit to the branches.

94,670. That is the neighbourhood where you were, so as to have knowledge of it. Does your last answer refer to all parts of Ireland?—I had a pretty fair knowledge of all parts of Ireland.

94,671. Was not Boyton an organiser?—I do not know whether he was an organiser at that time or not. He got into it when there was that matter—the Duke of Leinster’s—it was then he was organiser.

94,672. Tell me what were the duties you were attending to?—I simply went to meetings and addressed the people in various localities, and advised them to organise, and put forward the programme of the League—and put our principles before them as best I could; that was all I did.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,673. You did other things besides, did you not; I am speaking now of the year 1880—in 1880 you were taking charge of other interests?—No, I did not take charge of any other interests at the time. I was a member of the Supreme Council early in 1880, but I did not do anything; I did not combine the two things at all; in fact I was rather anxious that they should be severed.

94,674. Perhaps I used a wrong term in saying that you took charge of other interests; was not there confided to you at this time the defence of prisoners?—The defence of prisoners; no, I never went into that movement. I beg your pardon—well no—it was not confided to me, but wherever I thought it was necessary I did it. I had no special commission. Wherever there was extreme distress, great hardship, or prisoners to be defended, or wherever there was anything to be done on the lines of the League, or to serve the people, I did it.

94,675. I wish to tell you at once what I mean. In a book which was produced, and that is in evidence—what is called here the expenses account—I think you said that the money you received was on account of your expenses?—Yes, or for any other purpose that I would write up for money.

94,676. In one of your letters you speak of only receiving your expenses, and not wishing to receive more; but I have here “to M. Harris, defence of prisoners, 10l.; that is under the date, as given to me, of the 2nd March 1880, “M. Harris, defence of prisoners, 10l.” Then “22nd July 1880, Mat Harris, Ballinasloe, defence of prisoners, 20l. To Mathew Harris, current expenses, 30l, September 12th, for organising in “Roscommon and Galway, 20l.” Now, calling your attention to those two items, were you not at this time—I may tell you I have a letter from Mr. Tighe—were you not at this time arranging for the defence of prisoners?—I was. I arranged in some cases, wherever I thought it right to do so. I did so; but Mr. Tighe’s business, I may tell you, was simply—they put it down as the defence of prisoners—but it was the defence of tenant farmers who were being ejected at the time.

94,677. “March 2nd, 1880, M. Harris, defence of prisoners; July 2nd, to Mat Harris, defence of prisoners”?—It may have been so, but I was more often engaged in defending—indeed there were very few cases in which I was engaged for the defence of prisoners; my general action with regard to the legal expenses was with regard to evictions.

94,678. As I am upon this point of the defence of prisoners, I will anticipate a little in the date; there is a letter I have from Michael Davitt to you; it is page 1935; it is the second letter. It comes in the book we are reading from under date of July, after the letter of 10th July 1880, but it is dated Monday night. I will read the first passage, which will perhaps enable you to tell us the date:—

“My dear Harris. Your letter with cheque for 10l. enclosed (subscriptions from St. Francis de Sales Mutual Relief Society, Boston, for Land League Relief Fund received all right. I will hand same in at L. L. meeting to-morrow, and have it returned to you for whatever use you think would meet the wishes of the donors. I will also have ten or fifteen pounds sent you privately for the defence of those poor fellows to whom you allude.”

(The President.) What is the explanation of that word “privately” being there?

(Sir H. James.) I really do not know whether it is legible; your Lordship will understand what Mr. Harris said is correct. These are copies taken from the originals, he is not answerable for the spelling; why that word “privately” is there I do not know.

(The President.) I wanted to know the history of these corrections. You see a little lower down there is “and” for “yet.”

(Sir H. James.) I do not know whether we can get the copies from which it was taken at the time; could you get them? It was put in on the 17th January, I think it is a printed bundle, page 1935. With my Lords’ permission I will ask this, and we will see as to this other matter when it comes.

94,679. Does your memory go back to who “these poor fellows” were for the defence of those poor fellows to whom you allude?—Well, really it does not. I cannot remember who they were. It must have been some row or other, because up to that time there were no agrarian crimes committed.

94,680. If it is subsequently to July 1880, I could not agree with you in that statement; it is given as Monday, and it comes in after the document of July 10th?—



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

At that early period, in fact, there were no agrarian crimes committed in that locality until after I went to gaol. It could not have been connected with agrarian crime, it must have been some row they got into. There were a great many things in which the people came into collision with the police; but really I could not tell you, I know it was nothing serious.

94,681. [Reading]:—

“I will also have ten or fifteen pounds sent you privately for the defence of those poor fellows to whom you allude.”

You cannot tell me what that is?—I have not the slightest idea.

94,682. Did you receive the 10*l.* or 15*l.*?—When it is mentioned I am sure to have received it.

94,683. He only says he will send it?—I got a great deal of money in that way from time to time. I had large discretionary powers.

94,684. Then there is a letter; the date is not given except by surmise. “I enclose you two cheques.” This is one from Mr. Davitt to you:—

“One for Eyrecourt Relief Committee for 25*l.* (which please forward or hand in) and one for 10*l.* for the defence of those prisoners you wrote about.”

—Yes.

94,685. So you seem to have got the 10*l.*

“I also enclose you first half 5*l.* note for your expenses to go to that place on Sunday next, and to do any other such work as that.”

Can you give me any reason why it should be sent you in any other way, or why it should be sent to you privately?—Really I do not know any reason why it should be sent privately; I think there must be a mistake there; there was nothing private in any dealings whatever.

94,686. The next we have is one commencing on page 1931; it is a letter dated the 19th June 1880, written on the political situation to the “Irishman.” It is a long letter. I do not therefore, unless you wish it, purpose reading it, it has been put in evidence and read. The part I wish to call your attention to you say:—

“In the above letter I have not alluded to the vexed question of secret versus open action, because I regard, and have always regarded, the existence of such a controversy as a slur on the intelligence of Irishmen. Not to speak of political societies, every Government in Europe has its secret as well as its open councils. Both these modes of actions have their use and their abuse. A wise man will use them wisely, a fool will do the opposite, or, worse still, raise a controversy about their relative merits, and in that way oppose them to each other, instead of opposing them, either separately or combined, against the common enemy.”

At the time you wrote that letter, the 19th June 1880, where there any secret societies in Ireland except the Fenian?—No other secret society.

94,687. Except the Fenian?—Except the Fenian.

94,688. Were you applying what you wrote there to the condition of things existing in Ireland?—I was, and to the condition of things that existed since O’Connell’s time in Ireland. At the time of the 1848 movement, controversy arose between O’Connell and the 1848 men about moral force and physical force, and they kept it on all through; and I thought it was a very foolish controversy, and I was endeavouring to dissuade them from attacking one another on this ground.

94,689. As you say you were making it apply to what was concrete, you were agreeing, at the time you wrote this letter, that a wise man could use both the secret action—which is a secret society—and the open, and that he would use them wisely by allowing them both to have their uses?—Yes.

94,690. At that time in Ireland, what do you suggest was the use to be made of the secret society?—To advance its own proposals and extend its organisation, and get hold of the country as far as possible; and that would be done in the course of events. I believe that a secret society in Ireland is a most valuable element in Irish political society, and I am very sorry to say, through the foolishness of the men at the head of it, it has declined very much from what it would have been if they had acted differently.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,691. What are you speaking of?—The Fenian organisation.

94,692. Who was the man at the head of it?—I cannot tell you; I am not alluding to any one, but to the directorate.

94,693. You mean the persons in charge?—Yes.

94,694. At the time you wrote this letter, what was the use, do you think, that could have been made of secret societies?—Simply what I have told you; I do not think they could effect their object in freeing their country without them; they are a very powerful and useful democratic element in the community. Had it not been for the secret societies that existed in the country for some time past, that great organisation of the Land League never could have assumed the proportions it did, because in that state of society you had honest men and energetic men in every part of the country who were willing to assist in every movement. I know what I am saying will tell a great deal from what has been put forth in this witness-box, but I want to tell the truth.

94,695. At the time you wrote that letter were you still a member of the Irish Republican Brotherhood, July 17th, 1880?—I really think so; it was not until December 1880 I left the organisation.

94,696. Following up that we have a letter of yours addressed to the “Irishman,” and it appears, according to the copy I have in my hand, in the issue of July 10th. We will get the letter for you in a moment if you wish it. There is one passage in it only which I refer to, in which you say this:—

“An Irish Nationalist accuses me of trying to draw Irishmen from the old path.”

I will read the other part first:—

“The old path, the old banner,” &c. “If I thought my suggestions viewed from any reasonable standpoint had that tendency I would immediately withdraw them. So far from wishing to diminish the number of sincere Nationalists I would try to aid them.”

Now, here you say an Irish Nationalist accuses you of trying to draw Irishmen from the old path; would that be the path of Fenianism?—Yes.

94,697. And the old banner would be the banner of that society?—Yes.

94,698. Then I understand you to say here that if you thought your suggestions had that tendency you would immediately withdraw them?—So I would, they are my sentiments.

94,699. When you used the term here “so far from wishing to diminish the number of sincere Nationalists, I would try to aid them,” you mean, there the Fenian body?—Certainly; yes—in a general sense men identified with their principles.

(Sir H. James.) I am sorry that it should be said for one moment I had omitted anything; it is difficult, my Lord, to know what to do. There are passages that may qualify that view, and it may be said hereafter the whole letter ought to be read. This letter has not been put in hitherto.

(The President.) I think you had better put the whole in.

(Sir H. James.) Do you wish, under the circumstances, that I should read it?

(The President.) I think so.

(Sir H. James.) [Reading.]

“THE LAND LEAGUE AND THE NATIONAL PARTY.

“To the Editor of the ‘Irishman.’

“Ballinasloe, July 5th, 1880. Sir, I perceive by the ‘Irishman’ of Saturday that my letter of 19th ultimo has not escaped criticism and censure. I did not expect that it would be otherwise, knowing, as I do, that for a number of years the best men of the Irish race have been educated into the ideas which my letter was intended to combat. The correspondents to whom I allude signed themselves, one a Nationalist and the other a Republican, words which represent my principles as a politician. Their letters show them to be men of advanced views. Well, I, too, claim to be an advanced Nationalist, with this qualification, that I do not wish to advance beyond common sense or beyond that point where the welfare of my country calls on me to stop. More than this I believe the Nationalist who does so injures the cause he is endeavouring to advance. When writing the letter which I addressed to you, sir, I had no thought of making



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ an appeal to Irish Nationalists to join the Land League. Much less had I any idea  
 “ of writing a manifesto for that body. What I did intend was to point out the  
 “ impolicy of Nationalists putting themselves in opposition to public movements,  
 “ especially movements which on the face of them are meant to improve the condition  
 “ of the people. On this point I thought I was very clear, yet, judging from the  
 “ letter of ‘An Irish Nationalist,’ I left myself open to misconception, for, accord-  
 “ ing to him, I am an apostate; while the gentleman (for I assume from his  
 “ warlike propensities he is of the stronger sex), who signs himself a ‘Republican,’  
 “ applies to my letter the aphorism of Talleyrand—and which states ‘that language  
 “ was given to conceal, not to express men’s ideas.’

“ Now, in answer to the charge of apostacy, I can say that for one moment  
 “ I never adopted what I would call the repressive policy inaugurated by  
 “ Mr. Stephens and his friends. I have ample proof that even in ’65 I was firm on  
 “ this point. I have always held, as I hold now, that men who undertake to  
 “ pull down the Government and build up a nation should have sufficient ability  
 “ to hold their own, not only in the camp and on the battlefield, but also in the  
 “ Senate, in the public press, and on the public platform. It has ever appeared  
 “ to me that those who have capacity to free a nation are also able to govern it :  
 “ that such men will not forget that the life of a nation, moral, material, and  
 “ intellectual, is a very complete and a very wonderful thing in itself—a machine  
 “ which must be dealt with in all its parts even while propelling it on the road to  
 “ liberty. No doubt, to progress in the direction of freedom courage is the first  
 “ essential; unflagging energy the second; these we may call the motive powers,  
 “ but all other motors, they are as likely to do harm as good without proper  
 “ guidance. It may be asked, where is proper guidance to be found? Mr. John  
 “ O’Leary and Mr. Luby have answered that question. They have told us it is  
 “ to be found among our men of intellect.

“ But I may be allowed to ask in return, and it is not the first time I have  
 “ asked the question, is it for the people to be calling on the men of intellect to  
 “ come forward, or for the men of intellect to call upon the people? Are they  
 “ from their trade-bereft towns, from those deserted, or half-deserted villages,  
 “ from the workhouses, from the emigrant ships, where they have been driven  
 “ in thousands, to do nothing but keep waiting for men of intellect to lead  
 “ them?

“ Have our intelligent men no better work before them than to act the rôle  
 “ of critics; or do they expect that the Irish people should sit down at their  
 “ bidding, crying out ‘Nationality, Nationality,’ until there is no Irish  
 “ nation left?

“ These are pertinent questions for those gentlemen to answer, who on  
 “ any pretence whatever would try to drown the voice of public opinion in the  
 “ 19th century.

“ An Irish Nationalist accuses me of trying to draw Irishmen from the old  
 “ path, the old banner, &c. If I thought my suggestion received from any  
 “ reasonable standpoint had that tendency, I would immediately withdraw them.  
 “ So far from wishing to diminish the number of sincere Nationalists, I would  
 “ try to add to them.

“ If a man devotes himself to one idea and to one single means of carrying  
 “ out that idea, I have nothing to object, I commend his sincerity and singleness  
 “ of purpose. And all I ask in return is that such a man would be as tolerant to  
 “ me as I am to him. I would also impress upon such men that belief, however  
 “ strong in their own infallibility, does not necessarily debar them from entertaining  
 “ sentiments of charity towards their more fallible neighbours. And I think it is  
 “ quite time enough to denounce men for not deserting the ordinary duties of  
 “ citizenship in favour of the old banner when that banner comes to be raised  
 “ aloft and Irishmen ranged under it in their thousands confronting the enemies  
 “ of their country.

“ Allusions have been made in the letter of ‘An Irish Nationalist’ to the  
 “ cases of Belgium and Greece. No doubt these countries gained their liberties by  
 “ the sword, and it is by the sword we also must gain our liberty, if ever  
 “ we do gain it. A people unwilling to fight for freedom does not deserve  
 “ to be free; and should they by any chance become so, their freedom



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ must be short-lived. Should we gain our liberty to-morrow without  
 “ having made great and heroic sacrifices, it would be worthless as most  
 “ certainly it would be evanescent. But on the other hand, talking about  
 “ fighting is not fighting, and what I contend is that a policy of repression,  
 “ a policy which condemns every public movement, a policy which instead of  
 “ widening would narrow the ground of contention between this country and  
 “ England—that such a policy, call it by what name you like, will never free our  
 “ nation. Nor will it ever bring the masses of our people to that point where  
 “ fighting on a large scale becomes inevitable. Before a parallel can be drawn  
 “ between Greece, Belgium, or any other country which has gained its freedom,  
 “ and Ireland, it should be first shown that the Nationalists of these countries set  
 “ themselves against popular movements before gaining their independence.  
 “ Should an Irish Nationalist give his attention to this point, I think he will find  
 “ that in both Belgium and Greece there were popular commotions, and that  
 “ appeals were made to the people on religious as well as political grounds. A  
 “ careful study of modern revolutions will show beyond cavil that these great  
 “ dangers were brought about by many causes, and that various forms of  
 “ grievances contributed each its quota to the general stock of revolutionary  
 “ sentiments. And further, that it was the tyrants to whom the friends of  
 “ liberty were opposed and not the friends of liberty themselves who had in all  
 “ cases striven to keep down the public expression of popular discontent.

“ An Irish Nationalist denies that the land movement is national because it  
 “ does not embrace all sections of the country. As well might he assert that  
 “ Cork and Tipperary is not national, because either of these counties does  
 “ not embrace all Ireland. What I said was that ‘as far as the classes it dealt  
 “ with were concerned,’ the land movement was national, and one of the reasons  
 “ I gave for stating so was that it aimed at abolishing that anti-national garrison,  
 “ the landlords.”

94,700. I think you told me that was your view?—Yes:—

“ That argument has not been answered, nor has any of the arguments I put  
 “ forward been answered by the gentlemen who have undertaken the task of  
 “ censors.

“ Indeed, the entire letter of ‘An Irish Nationalist’ hinges upon the old old  
 “ subject of moral force, a subject so worn out and threadbare that it is with  
 “ great repugnance I approach it. Much of what has been written on moral  
 “ force is, in my opinion, founded on a misconception of words. Therefore I  
 “ shall explain that according to my idea, moral force, in its true sense, is that  
 “ principle in human nature which urges men to do that which they believe will  
 “ do good, though it may entail personal loss. To my mind, when O’Connell  
 “ propounded his theory that the freedom of a nation was not worth the  
 “ shedding one drop of blood, he put forth an immoral not a moral force  
 “ doctrine.”

I read it, the print it not clear here—

“ Provided we admit, as O’Connell himself a thousand times admitted, that it was  
 “ the duty of Irishmen to strive for the freedom of their country. The man who  
 “ at the call of duty goes forth calmly to fight or to die in the cause of justice  
 “ and humanity, is to me the true embodiment of moral force.

“ But while admitting all this, we must also admit that patriotism has its  
 “ degrees like everything else, and I am not going to denounce as an apostate  
 “ and a traitor every Irishman who falls short of this high standard of public  
 “ virtue, and perhaps, if the truth were known, there are a few of the denouncers  
 “ themselves who come up to it. Why should we be harping about moral force  
 “ and physical force, when we know that the two principles are as inseparable  
 “ as the body and the soul? Indeed, I would say they are body and soul but that  
 “ in the lowest state of idiocy we sometimes meet creatures entirely bereft of  
 “ moral perception. In his relations with society, social or political, no man  
 “ can entirely divert himself of his moral nature, and if he tries to do so, the more  
 “ he succeeds the nearer he approaches the idiot or the brute.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

“To the queries which ‘An Irish Nationalist’ has put, I would give the following replies: To No. 1, I would answer in the words of Napoleon, ‘That “impossible” is a word only to be found in the vocabulary of fools.’ To No. 2, “that the abolition of landlordism may be accomplished to as great an extent as it has been abolished on the Continent by means such as I have described—in defining the words moral force—provided advanced Nationalists continue to render their assistance in the future as they have done in the past. To No. 3, I would reply that a movement having the sympathies of a large number of our people, and having a good and noble object in view, cannot be called a mockery and a sham even if it were to end in failure, which I hope it will not. . . .”

Then there is a break in my copy.

“Before ending this letter I wish to thank ‘An Irish Nationalist’ for his kind expressions of regard.

“It does not surprise me that the author of the very able letter he has written should, even in the heat of discussion, use that form of address which invariably characterises the language of a scholar and a gentleman.—Your obedient servant, M. Harris.”

Then the passage which is left out is very unimportant. It is this [reading from the “Irishman” of July 10th, 1880]:—

“Perhaps it may not be out of place to ask these critical gentlemen to pause for a moment and to reflect that this is a very old and even in ancient times was a highly civilised nation, a nation which produced no doubt great armies and great and distinguished generals in every quarter in the world, that brought honour and glory to themselves, and to their country; but it has also produced pious and learned divines, great statesmen, great poets, wise philosophers, and brilliant orators. That each and all of these have done good work in their own sphere and should be allowed to continue to do so. I would also remind them that within the body politic there is room enough for all. Therefore, to attempt to crush out, or to keep down, or to repress any or either of those classes who aspire to benefit their countrymen is to injure our common country.”

94,701. The next letter of yours is at page 1936. You write a letter to Mr. Patrick Egan. It is a letter in which you are again writing about your expenses?—Yes.

94,702. You use these terms:—

“I have attended public meetings at my own expense, in all the places named in attached slip, and that before American money came over and while the movement wanted a helping hand. Being recognised as the representative of the League in the locality my correspondence is something enormous between answering letters about relief, branch meetings, &c.”

That is dated August the 20th, 1880. Can you give me the date when, according to your view, the American money first came over?—I could not.

94,703. Would it be long before this, do you think? Do you know how long before this?—I think it would be something before 1880, or in the year 1880.

94,704. This is correct which you state here—that you had been recognised as the representative of the League in the locality?—Oh, yes, by the people from the commencement.

94,705. And that from the very commencement of the land movement even before the League was formally established down to the time you wrote?—Yes.

94,706. In your capacity that you filled did it come to your knowledge that Mr. John Devoy had written a letter about the New Departure?—Yes, I read those letters. I thought they did a great deal of harm. They were written in a controversial spirit and roused up the feelings of the advanced National party, which might have been allayed by a little pacific advice, as I was endeavouring to give them—in my letters, I mean.

94,707. Did you know of 5,000 copies of those letters being circulated?—No, I am not quite sure of that, but I know they were circulated.

94,708. Let me withdraw the number 5,000. Did you know of a large number of them being circulated?—Yes, I knew they were circulated.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,709. By whom were they circulated?—I have no direct knowledge, but so far as my memory goes they were circulated by the League—one particular letter.

94,710. I think you know the letters we are speaking of. We call them the New Departure letters. They were letters written by John Devoy, and mention has been made of some 5,000?—I think there was only one letter of Devoy's and one of mine printed and circulated.

94,711. (Mr. Justice A. L. Smith.) It is not that one which was circulated by the League?—No.

(Sir H. James.) I think I have given you the wrong page for the letter. I think your Lordship will find it at page 5604. The date is June 18th, 1880.

94,712. Is that the letter which you say you thought did a great deal of harm?—I am not sure. It is so long since I have read it. I have not read it since.

94,713. (The President.) I think you had better be reminded of it sufficiently to be sure?—I know the controversy at that time kept up by Devoy. I am afraid I would not be able to identify it even by reading it.

94,714. You spoke of one as having done a good deal of mischief. Probably you would be able to enable us to identify it?—I spoke of the general spirit of this controversy raised on the New Departure by Devoy and Davitt, and I think they did a great deal of mischief in the sense of causing dissatisfaction and *animus* among the Nationalists. I could not say whether this is the letter or not.

94,715. (Sir H. James.) There was one which was written very early in the controversy. The date would be December the 11th, 1878, and therefore it would be published in the early part of 1879, probably in this country. Would that be the letter you were referring to as having done harm, or the later one of June 1880?—The entire controversy. I read them at the time in the newspapers, and the conclusion I came to at that time, I remember, was that they did harm, that they went the wrong way to work; but I could not tell you which of the letters.

94,716. Cannot you assist us as to date? Would it be before the formation of the Land League, or after?—I rather think it was before.

94,717. So I agree. I think it was the earlier letter. That would be at page 2773; but then of course, if that is so, the Land League would not be in existence at that time?—I am only giving you my vague impression.

(Sir H. James.) Perhaps we could clear this up about this letter. It is mentioned in Mr. Davitt's evidence at page 5602. It is referring to the evidence that is given (I think it must be) at the State trial, as it is termed in Dublin, because Mr. Justice Fitzgerald appears as taking part. My friend, Sir Charles Russell, put it in at page 5601.

(The President.) That is about Paudeen O'Rafferty's commandments.

(Sir H. James.) Yes. That was proved to be printed. Then the next, page 5603 Sir Charles Russell said:—

“Then I think there were other things charged to the Land League, 200 posters, 50 posters, 200 letters, 5,000 eight-paged letters, Mr. Devoy. Now, in reference to Mr. Devoy, will you just tell me whether or not that is the letter of Devoy's which was printed, not the one which has been referred to [passing one]?—This is the letter. The one which was referred to by the Attorney-General was never printed in this form or circulated in any way by the Land League. That was printed. (The Attorney-General.) Is this one of the original ones?—Yes, this is one of the original ones. It was printed along with one from Mr. Matthew Harris, and circulated along with that at the time.”

(Q.) Where is the Matthew Harris one?—I think I have got a copy.

94,718. (Mr. Justice A. L. Smith.) The Matthew Harris letter is at page 1993?—Whose evidence is that?

(Sir H. James.) That is Mr. Michael Davitt.

(Mr. Justice A. L. Smith.) If you turn to page 5604 you will find Sir Charles Russell says Mr. Harris's letter is already printed at page 1932.

(Sir H. James.) That must be the letter of June 19th, 1880, the one with a postscript which I read, about the secret societies.

(Mr. Justice A. L. Smith.) That is right.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

(*The President.*) Our attention was called to that. Sir Charles Russell says that is the only objectionable thing. Then are we to take it that this letter of June 18th, 1880, is the letter of John Devoy, which the witness has been speaking about, the one which he thought did mischief.

94,719. (*Sir H. James.*) What do you say, Mr. Harris?—It is entirely out of my power, my Lord, to say whether it is or not.

94,720. From the evidence given elsewhere it seems to be so, but you cannot tell us between the two letters which it was?—No.

94,721. One matter I want to ask about showing the extent to which your functions went. I have an account in the "*Roscommon Messenger*." The date is given to me as the 18th of December 1880. Do you recollect holding an inquiry in Roscommon? I will just read on and ask you if this is correct.

"Roscommon was the scene of a novel investigation in connexion with the land question. The matter attracted considerable attention, especially as it has been spoken of for some time, and Mr. White and his friends being of opinion that the case was not one of land-grabbing, they asked the Central Land League in Dublin to have the matter investigated. It was accordingly arranged that Mr. M. Harris would attend on Thursday to hear the statements of both parties. The investigation took place at the "*Messenger*" office, the only parties present being Mr. Harris, Mr. White, Mr. Morgan, and the press. After considerable time had been spent hearing the case, Mr. Harris said that, as there were certain principles involved which he would not take it on himself to decide, he would get a meeting of the executive of the Land League summoned for next day and telegraph their decision. A meeting of the Land League was afterwards held to consider the matter, when among those present were Mr. O'Kelly, M.P., in the chair, Mr. Biggar, M.P., Mr. Sexton, M.P., Mr. Brennan, Mr. Walshe, &c. It was decided, after a lengthened consideration, that Mr. Morgan, as the occupying tenant, should have been left the land."

Does that correctly represent what took place?—I could not say, but I have some vague recollection that such a thing did take place; I rather think it did.

(*The President.*) What are you reading from?

94,722. (*Sir H. James.*) An account which appears in the "*Roscommon Messenger*"?—As far as I can remember I had an investigation of some sort in Roscommon. I disremember the names of the parties, but I remember the application for me to arbitrate came from the parties themselves, and not from the Central League.

(*Sir H. James.*) I am told, and I think, my Lord, this must be correct, but we will obtain the paper, that this is copied from the "*Nation*" newspaper, and what I read from the "*Roscommon Messenger*" is what appears in the "*Nation*" newspaper.

(*The President.*) You will ascertain whether that is so.

94,723. (*Sir H. James.*) Yes, I will get the "*Nation*" paper. Apart from the report have you anything to say as to this being correct?—I really think that I did investigate a case at that time, though I disremember the names of the parties. I remember getting an application from Roscommon itself.

94,724. Do you recollect going down to Roscommon?—I live near Roscommon.

94,725. Well, going to Roscommon and going to the "*Messenger*" office?—I do not remember anything about the "*Messenger*" office.

94,726. Do you recollect referring the matter to Mr. O'Kelly, Mr. Biggar, Mr. Sexton, Mr. Brennan, and Mr. Walshe?—I have not the slightest recollection of that. I know I investigated a case there between the litigants at their own request.

94,727. Do you recollect whether in February 1881 you were in communication with Mr. Tighe about the defence of prisoners?—Yes. They were not prisoners. They were evicted tenants at Portumna or tenants about to be evicted. Although they are put down prisoners, I am quite certain of that, they were not prisoners.

94,728. I will take it so. But Mr. Tighe was a solicitor who did sometimes defend prisoners?—Yes, never for me though.

(*Sir H. James.*) This document I read from does appear in the "*Nation*" under date the 18th December 1880, and it is verbatim the same as I read.

94,729. Perhaps my recollection is better than yours at this moment, but I believe as a fact you were arrested in April 1881?—In April, yes.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,730. That was not an ordinary criminal matter, but an arrest under Mr. Forster's Act as a suspect?—Yes.

94,731. And I believe you remained in Kilmainham until February 1882?—Yes.

94,732. But there was a little correspondence going on I think during that time. I have one letter I think you had an opportunity of reading at any rate of which I want a little explanation. It is at page 1946. There is a letter addressed to you from Mr. Thomas Brennan, August 11th, 1881. He writes to you from Kilmainham Gaol. Did you receive it there?—No, he wrote from Kilmainham Gaol. I received it in Galway.

94,733. You were detained at Galway, were you?—Yes.

94,734. He addresses you by your Christian name, and says:—

“I was very sorry indeed to hear from Dr. Kenny yesterday that you were unwell, and I hope it is nothing of any consequence, and that you will soon be yourself again.”

“I got a very severe turn since I last wrote you, and rheumatism was very near sending me to where the wicked cease from troubling and landlords are at rest (the quotation is slightly altered), but I am now convalescent and swathed in flannels, so as to be impregnable to any further attack of the enemy. Times have changed very much since I saw you, and I cannot say they changed for the better; however I hope both of us will live to talk this matter over yet.”

“As politics are forbidden I can only write you about the little sporting matters in which you and I were instructed.”

Will you see whether you can assist me.

“You must have seen by the sporting reports in the papers how badly the day which our friends relied upon so much, but which you and I mistrusted, has turned out, and the private reports which I have received are much worse than the public ones.”

94,735. We are getting into a little figurative language here, I fancy?—I have read that over several times, and I assure you I never could make out what it meant. I could not know what he was driving at, but it does not follow there was anything criminal in it, for all political matter was excluded from us.

94,736. Yes, I know, but I may take it as a fact that there was no dog—I mean a real dog?—No, indeed, there was neither dog nor cat.

94,737.

“But which you and I mistrusted has turned out, and the private reports which I have received are much worse than the public ones.”

—I was not able to make it out. I did not know what he was driving at.

94,738. You received that letter?—I did.

94,739. Do you recollect at the time being lost in the mysteries of this dog?—I do.

94,740. Well, see if we can follow him up a little.

“In fact from the way the whole kennel has turned out I think we had better dissolve partnership with our friends over the water.”

Does that throw any light upon this?—No, I could not throw the slightest light upon it.

94,741. Of course “the kennel” is figurative, but he says “our friends over the water”?—He was driving at something, but what it was I could not make out.

94,742. I should like to know something more about this dog if I can?—I think if you did know it it would be of very little value. Even if you did know it, I rather think there is nothing in it. It is simply alluding to the political action of our friends in America.

94,743. Was it an Irish dog or American dog?—I do not know.

94,744.

“From the way the whole kennel has turned out I think we had better dissolve partnership with our friends over the water.”

Who were they?—I could not tell you.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,745.

"The dog they sent over to win in France has turned out no better."  
—I rather think if I was to make a guess at all at it I would say it was the Irish Parliamentary party, because Brennan and I were very much dissatisfied with their action at the time.

94,746. That is not very complimentary, "the whole kennel has turned out badly." I should not like to speak of them in that way?—He was not a man to write complimentary letters about people he did not think much of.

94,747.

"The dog they sent over to win in France has turned out no better than the rest of them."  
Here is an account of him:—

"He is as meek as possible, and not able to run."  
—It was some witness that was in their action he was alluding to.

94,748. Who was the dog they had sent over to win in France who had turned out no better?—I would like to know, but I do not.

94,749. I am only giving you suggestions. Was Patrick Egan in France at this time—August 11th, 1881?—Oh, yes, I think he was; but indeed it was not Pat. We never had any fault to find with him on the head of being backward.

94,750. Would this description answer for him: "He is as meek as possible, and not able to run"?—No, I do not think it would.

94,751. Cannot we get at anything from you who the dog was that was sent over to win in France?—No; you will have to discover that for yourself.

94,752. I am not getting much help, I admit,—

"We must take our little capital away from the fellows when we get out of our present abodes."  
Does that throw any light on the "kennel"?—Not a bit.

94,753.

"Kindly remember me to Harrington, and tell him to have nothing to do with an O'Donohue, father or son."

You say you read this over several times?—Yes, indeed; I was anxious to make it out.

94,754. It was amusing?—No; but I was anxious to make out what it was.

94,755. When you saw Brennan did you ever ask him what this interesting letter referred to?—I did not mind it until this Commission was opened, and then, of course, it caught my attention, and I got copies of the printed letters.

94,756. You did not at the time enter into the research?—Oh, no, I took no notice whatever about it.

94,757. Very well, Mr. Harris, I cannot make you tell me anything about it; but you say positively you have not an idea who the dog was, or the kennel was, or who the meekness came from?—No, not a bit.

94,758. I will make another effort and see if I can find out anything. Did you ever hear Le Caron had been over in Paris?—Never till I read it in this. I never heard there was such a man in existence till I read it in the papers before this Commission.

94,759. You did not know he had gone over to see Egan or anything of that kind?—Not a bit.

94,760. Is there any other person you can give us in Paris except Egan?—John O'Leary was there.

94,761. Does he answer the description of the meek dog who won't run?—No, he does not.

94,762. Is there anybody who does in your knowledge?—No, not one.

94,763. I will give that dog up. Did you ever meet with a person who went by the name of Thompson?—Never to my knowledge.

94,764. Did you ever meet with a person of the name of Tynan?—Never. That thing about Tynan and Thompson is all a pure invention.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,765. Did you ever see any man of whom that photograph is a likeness [*handing witness the Tynan photograph*]?—No.

(*Sir H. James.*) It is page 2788 I was purposing to ask Mr. Harris about.

94,766. Were you in April 1882 over at Burr, in King's County?—I was. I was in Burr in the day he names in his information—that man.

94,767. The 4th April 1882?—Yes, the 3rd or 4th.

94,768. Is Head-constable Rodan a person who is known to you?—No, I do not know him.

94,769. A statement which I think it right to mention to you was made?—Yes.

94,770. Made by Rodan—that you and Thompson were in company together at Burr in King's County on 4th April 1882?—It is not. I went to Burr in company with a friend of mine, Mr. Whelan, of Kilroe. I could have brought him here, but really I did not think it worth the trouble. We continued in company all day. I was on a visit at his place for a week or so, and we drove to Burr together on his car.

94,771. You have seen that photograph?—Yes.

94,772. You do not recognise it?—Oh, I do not know him. I have heard since there was a man of the name of McCloskey, an organiser for the Land League, that went down there by the name of Thompson, and that he is the party that this man did see in Burr, though I do not think he could have seen him with me because I never met either McCloskey or Tynan to my knowledge.

94,773. Amongst your letters there is one of the 22nd June 1882. That is at page 1947. It is a letter signed "Faithfully yours, Transatlantic." I had better read it to you as we are going to refer to it:—

"15, Park Place, Park Rd., Clapham, London, 22nd June 1882. To

"Mr. Matthew Harris, Ballinasloe. My dear Sir, I have read with deep interest your well constructed letter June the 17th in the 'Freemen,' 21st.

"I quite agree with all you have said regarding the fallacies scattered about by Mr. George, which our poor friend Davitt has adopted.

"Davitt has lost his head since the bishop and priests of Meath have made him an M.P. I wrote to Bishop Nulty and influenced the Ladies' Land Committee to visit him to urge him and them to elect Matthew Harris, the then newly-discharged suspect, their representative in the foreign Parliament. When next you see Mrs. Molony she will confirm this. I say so much to have you believe that I admire, even I love you.

"Now, I write you a *private* not a public letter. George is a mere Californian failure, a speculation on the Irish cause.

"I have written in my usual weekly letter to the 'Irish World' on the 19th instant my total objection to the handing over our country to *any Government* quite in agreement with your able argument. My whole theory, from the beginning of my writings to the 'Irish World,' as you well know, is founded on the Mosaic law (Nos. 50 to 51) 'The land on the future must not be bought, sold, rented, nor mortgaged' neither must it pay a land tax to support a general Government even of local Ireland independent.

"The land must be laid out by surveyors in small patches 10, 15, 20, 25, and 30 acres, according to quality, each lot numbered, then ballotted for by those of the community who want land for cultivation purposes.

"All this arrangement will take place much sooner than most people expect. No other tax shall such land pay than those for the poor, the roads, bridges, and waterways. I shall send you the paper with my letter when it arrives in three or four weeks. Faithfully yours, 'Transatlantic.'"

Who was "Transatlantic"?—He was a man of the name of Thomas Mooney. He wrote a history of Ireland, and was a correspondent of the "Irish World" for years.

94,774. What did you know of "Transatlantic" before he wrote this letter to you? How long had you known him?—I never knew him at all.

94,775. Had you had any personal communication with him?—No personal communication with him whatever. I only saw him once, and that was delivering a lecture in the Mechanics' Institute at Dublin.

94,776. You knew no more of him?—I was very anxious to meet him, because he was a man at one time I had a very high opinion of, and I endeavoured to find him



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

out here in London, but he was always concealing himself. He was afraid of the authorities. I could not get an opportunity of seeing him.

94,777. When was it you say you had heard him lecture in the Mechanics' Institute?—It was previous to the establishment of the Land League.

94,778. Have you told us all you know of him?—Even then I was not introduced to him. I was never introduced to him. I never spoke a word to the man.

94,779. I accept what you say; but you seem to have formed a great admiration for him?—Yes.

94,780. He says he has done the same for you. "I say so much to have you believe that I admire, even I love you." Was that all from public knowlege?—From public reading; he reading me, and I reading him.

94,781. Did you say the name was Mooney or Malony?—Mooney.

94,782. He refers here to a lady; "Mrs. Malony, she will confirm this"?—That lady is wife of the treasurer of the Land League.

94,783. That is the wife of the gentleman we have heard of, Mr. Malony?—Yes.

94,784. I shall have something to ask you about that in a moment. You went to Paris?—Yes, I was in Paris very many times.

94,785. When was it you first went to Paris about Land League matters to cover this time?—I think it was in February 1881, at a meeting, or a little later after the arrest of Mr. Davitt. There was a meeting of the executive in Paris, and I was one of the executive, and went there.

94,786. I want your first meeting. After Patrick Egan, your acting treasurer, had gone over to Paris?—You want the date of that?

94,787. Perhaps I can help you. The 12th of February 1881?—The month of February 1881. That is before Egan went to Paris. He was in Paris at that time.

94,788. I think he had just gone?—That was a meeting of the executive of the Land League pure and simple. I believe Pat was there before us. I think he was.

94,789. I am taking the material parts only of your diary. I will not go to other things, but I think it was in February 1881. It is what I was asking Mr. O'Kelly about before. Your diary of February 7th–13th speaks of a letter you got—

"Got letter from O'Kelly, requiring my presence in London."

—Yes; probably he wrote to me he was going over to Paris, and to go with him.

94,790. Were you not in Paris when the council met in Paris?—I went over with the council.

94,791. What did you go for?—We wanted to have a meeting of the executive council to decide upon what was to be done after the arrest of Mr. Davitt. It was a serious crisis, and we did not know but that we might be arrested ourselves every day, as some of us were directly after.

94,792. Mr. Forster's Act only gave powers of arrest in Ireland. Why did you not meet in England? Why did you go to Paris?—Well, I could not tell you that. Perhaps it may be that Mr. Egan, having the books in Paris, we were anxious to go over there.

94,793. But we get Mr. Egan, back again in Ireland—in Dublin—even after this?—We did not feel secure even in England at the time.

94,794. That is the point I am asking you about. Mr. Forster's Act, giving power of summary arrest did not apply to England. You were quite safe in England?—Yes.

94,795. When you say you were not safe, it could only be from ordinary process of some kind and not Mr. Forster's exceptional process. Mr. O'Kelly was in London, and then I find from this entry that Mr. Sexton, Mr. D. Sullivan—is that the gentlemen we call Mr. T. D. Sullivan?—The same.

94,796. Mr. Dillon?—Yes.

94,797. Louden?—Yes.

94,798. Kettle?—Yes.

94,799. Brennan?—Yes.

94,800. O'Kelly?—Yes.

94,801. Healy?—Yes.

94,802. Biggar?—Yes.

94,803. Were all in Paris together?—Yes, we went to have a meeting; we elected to hold the meeting of our executive there, and to decide freely what to do.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,804. I am only endeavouring to obtain from you, if I can, why should not that meeting take place where you all, except Egan, were—in England—instead of you taking the trouble to go and sit in Paris?—The only reason I can assign is we dreaded arrest even in England. Mr. Forster's Act had not been passed at the time, but it is not unusual to issue warrants to arrest men on a charge that may not be substantiated afterwards. The Government of a country is very powerful, and can do very many things that people do not wish to risk at such a crisis. I cannot give any other explanation, for really I have not one, and perhaps I am wrong in that same.

94,805. Well, I am sorry for troubling you so much as I do, seeing the condition you are in. I am asking you questions. I probably was not quite correct in them. Now you remind me of it, Mr. Forster's Act was not passed in March, so it could not have anything to do with what passed in March, but I put it to you more strongly. What could the Government do against innocent men. What was there? I will not ask you to disclose anything, but why again I ask you should you go to Paris instead of meeting in London?—Well, Mr. Davitt was arrested. I know he was a ticket-of-leave man, still it was a very poor subterfuge to go and arrest a man and put him in gaol. We did not know but the same thing might happen to ourselves on some other paltry grounds.

94,806. The point is this. If that was your reason, you came back to Ireland. You were not afraid even to come back to Ireland, because you came on to Dublin on the 15th—arrived in Dublin; remained in Dublin on the 17th; 18th, came home to Ballinasloe. You were not afraid to show yourself there?—No; well, we did not appear in our collective capacity.

94,807. If that is so, if you did not appear in your collective capacity when you went to Ballinsloe on the 18th——?—We did not know what decision—it was not impossible that we would pass a resolution in Paris that would prevent us from coming back altogether.

94,808. If you say you did not attend in your collective capacity when you got home to Ballinasloe, yet on the 16th in your collective capacity you attended a meeting of the council in Dublin and spoke in opposition to Mr. Ferguson?—Yes.

94,809. And on the 23rd went to Dublin and attended a meeting of the council?—Yes, there is very little in that point I raised. There is very little in that apology of mine. I do not think there is much in it. I am endeavouring as far as I can to explain a circumstance which really I have no explanation for in truth, because I am only guessing at it as you might guess at it yourself. We had our meeting in Paris, but as to what was the reason for holding it there, I am endeavouring to find a reason, but I have not found a very cogent one up to the present I confess.

94,810. I did not catch it. My friend Mr. Atkinson said you stated you might have passed a resolution in Paris which would prevent you coming back?—Well, it was quite possible.

94,811. Is that the only explanation you can give us why you went over to Paris?—I give no explanation, but it is one of the ideas which has suggested itself to me. For instance, if we passed a No Rent Manifesto in Paris we would have no business coming back. We would be all arrested, and we did not know the instant the Habeas Corpus Act might not be suspended.

94,812. It was not passed till March. Well, I will not argue with you, please?—It is not very far from February till March.

94,813. In July 1882 you and Mr. Davitt had some differences about the land question?—Yes, he went in for this nationalisation of George's.

94,814. We know, Mr. Harris, that on Saturday, May 6th, the catastrophe in the Phoenix Park occurred?—Yes.

94,815. I do not know that I need go into it, but you and Mr. Davitt had a serious difference about Mr. Davitt's position on the land question?—Yes.

94,816. He had been taking a view, I think, in advance of yours in respect of "nationalisation" of the land?—Yes, he adopted Henry George's land scheme—nationalisation of the land.

94,817. I am dealing with a letter of yours under date, July 12th, 1882, in the "Freeman's Journal." It is a letter of yours written from Ballinasloe on July 8th, and is in reply to a letter of Mr. Davitt's. I do not know that I need go into the whole matter.



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

(*The President.*) Is it printed? Have we got it in?

(*Sir H. James.*) No, we had not a right at that time to put it in the "Freeman" of July 1882. It was not an organ, so we could not put it in.

94,818. I assure you I am not asking you this question to create a laugh. What meaning do you attach to the word "caterwauling"? I ask you seriously?—Well, the noise that cats make at night outside. It is noisy clamorous people. It is a phrase applied to them. I do not know whether it is applied in this country, but it is in Ireland. The term "caterwauling" is applied to them as creating an unmeaning clamour about nothing.

94,819. That I quite agree with. I said I did not wish to raise a laugh about this. "An unmeaning clamour about nothing." This is what I read:—

"This is a true version of the much talked of Galway speech, and I leave the public to judge whether at this terrible crisis such charges should be thrown in my teeth by Mr. Davitt. And I tell that gentleman himself that though I do not go from platform to platform canting about cruelty to animals, or caterwauling about the death of Lord Cavendish, I have as great, and I believe a greater, abhorrence to the taking of human life than he has."

Now I must ask you, and of course I ask you very seriously, what did you mean in applying to Mr. Davitt the words that he had been caterwauling about the death of Lord Cavendish?—My meaning was simply that he had repeated the thing *ad nauseam* and that there was no use in making a continual theme of the one subject, and I merely introduced it there in order to explain that though I was not speaking as often about it as he did, or making the same noise about it, yet notwithstanding that, my Lord, I felt the circumstances just as strong as he did.

94,820. (*The President.*) I think that seems to be the meaning?—It was a mode of attacking a man that had spoken in the most bitter manner about me at the time.

(*Sir H. James.*) I am sure I am glad of any suggestion your Lordship make.

94,821. I only read it to you again: "And I tell that gentleman himself that though I do not go from platform to platform canting about cruelty to animals." What do you mean by that "canting about cruelty to animals"?—Well, really I thought there was a little too much of it on Mr. Davitt's part; not but what I would be anxious to put an end to cruelty to animals myself as much as any man, but talking about a thing is one way of doing it, and talking about a thing is one thing and doing it is another.

94,822. I do not follow. You say "talking about a thing." I do not want to get into verbal contention with you; but Mr. Davitt, as he has told us, objected to outrages upon animals?—He did.

94,823. And he denounced them. Do you think now it was proper language to apply to Mr. Davitt's condemnation of outrages to animals that that amounted to canting about cruelty?—Really, I do not think it was proper language. I do not think I should have used the language, but it was a bitter controversy, and in those things words will arise which you perhaps may not give consideration to. However, it was a very wrong thing to say. I think Mr. Davitt's denunciation of outrage and his denunciation of cruelty to animals were very proper and legitimate and right, and did good in the country.

94,824. I have endeavoured to show the court the position you occupied in the League, and how much you were regarded by persons in your locality. This letter, as you know, attracted great attention. If you say you think it improper, I must be content with it; but, surely, now looking back at the state you know your country was in in July 1882, and in relation to the injury going on to animals at that time (as we know from the reports), can you, Mr. Harris, find in your own mind now any justification?—No, I find no justification whatever. I think it was a wrong expression to use.

(*The President.*) Will you be kind enough to read the sentence once more? I want to see whether there is anything in the last part of the sentence covering that as to the animals.

94,825. (*Sir Henry James.*)

"And I tell that gentleman (that is Mr. Davitt) himself that though I do not go from platform to platform canting about cruelty to animals, or caterwauling about the death of Lord Cavendish, I have as great, and I believe a greater abhorrence to the taking of human life than he has."



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

—Well, my Lord, that expression of mine was aimed at Davitt's continual repetition of those things. I say I think it was wrong to use that word "canting about animals," but my own sentiments applied to the animals as well as it did to the death of Lord Cavendish. I was just as much opposed to cruelty to animals as Mr. Davitt or any other man could be.

94,826. (*Sir Henry James.*) I am wishing to draw the distinction now between the caterwauling about Lord Cavendish's death, and the canting about cruelty in respect to animals. In the letter to which you were replying as I read it——?—It was not a letter, it was a speech.

94,827. I think you are quite right, it was a speech. This is what Mr. Davitt said:—

"In a spirit of lofty philosophy Mr. Harris adds:—'A zealous man may be  
 " 'excused for want of tact or prudence. Indeed, the cases are rare wherein we  
 " 'find them guided by moderation and good sense.' This is certainly good  
 " advice, and I am sorry Mr. Harris did not put it into practice ere he publicly  
 " declared at a meeting in Galway that for his part he did not care 'if the land-  
 " lords were shot down like partridges.' However, I might express my firm  
 " belief that Mr. Harris had spoken these words for want of prudence, and not  
 " from any wish or desire to have bodily injury done to any one. Again  
 " Mr. Harris says,—'What I could complain of is of Mr. Davitt's endeavouring  
 " to float his new project under false colours.'"

94,828. I do not think that refers to more than your policy. Was it that which was in your mind?—Yes; I was angry at that, and I wanted to make out that Mr. Davitt was insincere in his denunciation of cruelty to animals. I was doing him an injustice in the heat of the controversy. I think that was the idea when I did write those lines.

94,829. Even if you thought Mr. Davitt was insincere, as to which I will say nothing, surely it was language of the greatest danger for you to write and peasants to read—that it was canting about cruelty to denounce outrages?—Well, I think I qualified it afterwards by what I said; that I was opposed to those things.

94,830. I am aware you qualified your Galway speech, but can you refer to anything where you qualify this attack about canting of cruelty?—I did not qualify the words "canting about cruelty to animals;" I separated from the other expression. If I did not qualify that, I qualified the other.

94,831. Will you kindly refer me to anything where you qualify the caterwauling?—Yes, in the latter end I said there that I was as much opposed to it as he was. It is the concluding part of the sentence.

94,832. Again I say this is a long letter?—What you have read I say qualifies it.

94,833. I am aware that you do, and my Lord has pointed it out; but do you wish any further portion of this letter read?—Oh, I do not care.

94,834. I am told there are some other words?

94,835. (*The President.*) Mr. Davitt attributes to you there, Mr. Harris, some statement about the shooting of landlords?—Yes, in Galway. I made use of that expression in Galway.

94,836. What have you to say about that speech?—Well, when he comes to it, my Lord, if you like——

(*The President.*) Oh, very well.

(*The Witness.*) I do not know that I can say anything further than what is in the speech itself, my Lord, and the apology I made the following Sunday.

(*The President.*) I remember that, but I thought you perhaps wished to add something.

(*Sir H. James.*) My Lord, I should be glad to look at any of these documents and see if anything should be read. There is one portion which I think in justice to Mr. Harris should be read as a qualification, if I am right in the construction I put upon it. He says this—

"Supposing we were to change sides, and that I were to allude to some of  
 " his antecedents, I can well imagine how he would denounce me as a hireling  
 " of the enemy, a felon-setter, and a monster to be avoided as a leper. Could  
 " Mr. Davitt have forgotten that the words he quoted"

(Those are, I suppose, the Galway speech)



16 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ when taken with their context, do not bear the interpretation which he  
“ insidiously puts upon them? Or did he make himself acquainted with the  
“ fact that stronger words—a hundredfold stronger—were quoted from the speech  
“ of an Englishman just before I had spoken on the occasion he alludes to?  
“ Since I delivered that speech I never alluded to it except once, for I am not  
“ given to the practice of sounding my own trumpet, either directly or indirectly.  
“ Yet, as the charge comes from Mr. Davitt, it is right that I should let the public  
“ know the real facts, which are as follows :—At the Galway meeting my theme was  
“ the extermination of the people. I prefaced my remarks by stating that in 1843-  
“ 1844, or when I was in the ‘hot blood of youth,’ I ventured my life through the  
“ country striving to put down Ribbonism. That I did so in obedience to Tom Steel,  
“ the then head pacificator, and on the belief that I was acting against men who at  
“ that time I thought were the greatest of criminals. And I went on to say that  
“ when, through the agency of good men, Ribbonism was suppressed, a worse  
“ class of men came upon the scene, viz., those merciless exterminators who had  
“ desolated the land. And I instanced the case of Allan Pollok, who cleared 47  
“ square miles of the best land in the county Galway, and whose son the other  
“ day gave 500*l.* to the landlords’ project for exterminating the people. I also  
“ said that I felt, when I saw these vast exterminations, that I had acted wrongly ;  
“ that instead of serving my country and the cause of morality, I had injured  
“ both one and the other, and that if landlords were shot down like partridges I  
“ should not raise my voice again. But I took occasion at the same time to warn  
“ the people against crime, and that not only was I opposed to the shedding of  
“ human blood, but that I was opposed to the shedding of the blood of the lower  
“ animals.”

94,837. I presume that is what you referred to when you said you qualified it?—  
Yes.

(*The President.*) Sir Henry James, in addition to those witnesses whose names have been mentioned, a pledge as it were having been given which they were anxious to redeem by coming forward, I am informed that a lady who has been referred to in the course of these proceedings (her name was Miss Reynolds; what her name is now I do not know) desires to deny certain statements that have been made concerning her. Of course I should be glad that she should have that opportunity. I mention that. Notice must be taken that anybody else who desires to make any statement must inform us of it, because, of course, we cannot tell, unless some intimation is given to us, as Miss Reynold has given this intimation.

(*Sir H. James.*) If your Lordship pleases.

Adjourned to to-morrow at 10.30.

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*“Uncorrected Proof.”*

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,  
PROBATE COURT No. 1,  
Wednesday, 17th July 1889.

Mr. MATTHEW HARRIS recalled; further cross-examined by Sir HENRY JAMES.

94,838. During the year 1881, the early part of it rather, before your re-arrest, did you interest yourself in the appointment of different officers of the Land League in your district?—I did not.

94,839. Before I ask as to these appointments, will you tell me had you any particular district that you considered to be under your superintendence more than any other?—No, I had not. Sometimes I went to Mayo, Roscommon, and Limerick; any place that there was most need for my presence.

94,840. Did you know a man of the name of Martin O'Halloran?—Very well.

94,841. Was he the secretary of the Kiltullagh Branch of the Land League?—Well, I could not say; but I hardly think so, for he is a man that did not know how to read or write, and he would make a bad secretary.

94,842. That may be a bad qualification, but was he appointed secretary of the Kiltullagh Branch of the Land League?—I could not tell you. I know he was a member of it, and a very prominent man there.

94,843. Did you know also a man named Timothy Dolan?—I do not know Dolan.

94,844. Not by name?—No.

94,845. Are you sure that you do not know Timothy Dolan?—No. Remind me what locality he was in.

94,846. I said Dolan, my learned friend Mr. Ronan says I ought to have said Doolan. I do not know whether it makes any difference to you?—Timothy Doolan—I do not remember. I have a bad memory for names, moving about so much.

94,847. Was he not secretary of the Kiltullagh Branch also after O'Halloran?—I do not know. I could not tell you. The only member of the Kiltullagh Branch that I did know was O'Halloran.

94,848. You say he was a bad secretary, but still you say you knew him?—Certainly.

94,849. Did you yourself appoint him?—I did not; the secretary was appointed by the branches.

94,850. Did you not yourself sometimes appoint these men?—Never; they were always elected.

94,851. Was O'Halloran known to you as a member of the Fenian Society?—Never.

94,852. Never known to you, Mr. Harris, in that way?—I had no connexion with him in that relationship at all.

94,853. I see Mr. Michael O'Sullivan in writing to you speaks of certain persons being appointed. It is page 1930. I see Michael O'Sullivan writes to you about making McGiven something. Do you recollect that letter?—I have no recollection.

94,854. However, you tell me you did not appoint any of these people?—Never; the only case in which I was employed I think was to investigate differences between tenant farmers—that case that you quoted.

94,855. Now, going back to your visit to Paris; you paid a second visit we know to Paris beyond the one you took in April and May 1882?—Yes, I paid four visits in all.

94,856. April and May 1882, December 1882, and April 1883—perhaps I am assisting your memory as to dates?—December 1882; I think I was in gaol in December 1882.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,857. No, forgive me?—No, I was out.

94,858. You came out in the spring of 1882; you were in gaol from April 1881 to February 1882?—It was after that.

94,859. What did you go to Paris for on the second occasion, the April and May 1882 visit?—I had a great deal of business with Egan. There were many transactions of various sorts. I went to arrange with him about a lawyer—to consult him on political matters. He was a very old and very intimate friend of mine, and I was very confidential with him on political subjects.

94,860. He was acting as treasurer at that time?—I may also tell you I was advised by my medical adviser to go to the Continent. I was unwell and restless with myself, and that was indeed one of the reasons why I did go; but I had special business with Mr. Egan.

94,861. Egan was at that time, as we know, treasurer of the League?—He was.

94,862. You had never seen Mr. Egan in Ireland since May 1882, had you?—Since May 1882; no, but I heard he was over. I am not sure about it.

94,863. I hope you will not speak—I am sure you will not—without applying your mind to the dates. Oh, no, he was over in May 1881; after May 1882 I do not think you have ever seen Mr. Egan in Ireland?—I do not think I ever did. I heard he was in Ireland, but I think I did not see him.

94,864. You also went, as we know, in December 1882 to audit the accounts?—I am not sure whether in December, but I think so.

94,865. I am taking the date from your own diary if you wish to refer to it. It is December 1882. What was the special business you spoke of just now which you say you had to transact with Egan?—There were various sums of money—money transactions that I had with people in my locality.

94,866. Of course we are keeping to the League transactions?—Yes, purely to the League transactions.

94,867. Had you been receiving money from Egan?—Yes, sometimes.

94,868. Have you any full account of the money you received from Egan as treasurer of the Land League?—None whatever; I never kept any account of the money myself. Sometimes I spent my own money. Whenever I ran out for money I wrote for some; and when it was spent I wrote for more; and if I had money of my own I spent it. I am a man who never cared about money at all.

94,869. But treating you as a faithful steward of the money you received, did you keep any account of what you received and what you expended?—I simply sent receipts and vouchers of the expenditure of my money; I was very careful on that head; but I kept no memorandum.

94,870. That is the way. You sent your vouchers to Mr. Egan, or to the central office in Dublin?—There is a part of the time I did not know Egan's address in Paris; so I may have sent them on to the Central Branch in Dublin. I secured, at all events, that some one confidential man got my receipts and vouchers.

94,871. Can you tell me if you did not send them to Egan in Paris, to whom you did send those accounts, as being the confidential man of whom you spoke?—Well, I think it was the Central League. I think it was to the Central Branch.

94,872. Can you particularise the person to whom you sent them?—I could not, only I used to write to the treasurer of the Central Branch; Mr. Maloney, I think, was treasurer at that time.

94,873. The christian name—W. F. Moloney, is it?—W. F. Moloney; I could not be perfectly positive; I tell you whoever was in authority in the office, I might write to them.

94,874. I gather from what you say that Mr. Moloney was acting as treasurer in Dublin for at least a portion of this time?—He was.

94,875. Now, December 1882 I call the audit visit; who were the gentlemen who assisted you in the audit?—Mr. Dillon was engaged at the time, and could not come over, but Father Sheehy assisted me in the audit. Mr. Dillon, I presume, made a separate audit; it was not in his power to come at that time.

94,876. I quite understand you; he did not make it with you?—No.

94,877. But he may have made it separately?—Yes.

94,878. Did Mr. Egan present a balance sheet to you?—He presented all his books and balances, and gave us a very simple and perfect account of all the money matters.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,879. He had kept a full report of the expenditure, I suppose, of the money?—A full report.

94,880. A proper businesslike report?—A proper businesslike report.

94,881. With receipts?—Yes.

94,882. And expenditure?—Yes.

94,883. Which gave all the information that you as auditors required?—All.

94,884. Did he produce vouchers to you also?—Yes; not in all cases. Small sums I do not think he could.

94,885. When he produced those books, documents, and vouchers, did he also make from them any balance sheet that could be shown to the Executive in Dublin, or to any person interested?—Well, I took a memorandum of all the totals myself at the time. I could not tell you really whether he made out a balance sheet proper to give me to send to anybody at the time.

94,886. You are not sure?—I am not sure; but there was a memorandum certainly; and he either made it out, or I made it out myself, of the few items—very few—a small slip of paper that was.

94,887. I will tell you what is in my mind; of course in an audit the object is to give a sort of certificate to the treasurer that his accounts are correct, so that he may have that to show to whoever has the right to claim that from him. Did you not have some document or receipt of the heads of expenditure and receipt, so that Mr. Egan might produce it to the committee?—No, we did not.

94,888. Did you not have anything?—He sent on all the accounts.

94,889. Do you know what has become of that document?—I really do not. Mr. Egan got it printed, but I never saw it.

94,890. I think you said you sent or took some memorandum which has some heads?—Yes, some headings.

94,891. That was not what Mr. Egan got printed?—Oh, no; no, there was nothing of Mr. Egan's, only our statement that his accounts were correct.

94,892. What has become of that memorandum that you took?—Well, really the memorandum is destroyed. There was such a search at my place for papers and everything of the sort, the memorandum escaped from me. I do not know what became of it; it was only a small scrap of paper.

94,893. I do not wish to press you unduly; we had all the papers as far as we could find in your house, copies taken, and returned to you. Was that document taken when your house was searched in April 1883?—I do not think it was.

94,894. Then what do you think has become of it?—I could not tell you, indeed. I did not value the document after a certain length of time had elapsed; it went astray from me. I do not think it was seized at the time, and then after the seizure—though I could not certify to the fact of what I am going to state—still it is quite possible after the seizure had been made in my place I may have destroyed the document with the view to prevent the Government from knowing all the private affairs of the Association.

94,895. But, Mr. Harris, you have had now submitted to you copies of all the documents seized in your house; does it occur to you that there were any other documents of which copies have not been submitted to you?—Do you mean the printed copies?

94,896. Yes, the copies that passed through Mr. Lockwood's hands?—Well, I think the printed copies did not contain all the documents seized in my house, or a fourth part of them.

94,897. Is that your view?—Yes.

94,898. The documents that were returned to you, do they represent all the documents that were seized?—They do.

94,899. Then you say after the seizure you might have destroyed the documents?—Certainly I may have.

94,900. Was this balance sheet—or memorandum I ought to call it—returned to you among the documents that were seized in April 1883?—Well, where there were such a large number of documents it would be very hard for me to tell; but as far as my memory serves, it was not with those documents at all; I got my documents returned with memorandum from the police stating I had got all my documents returned with the exception of one.

94,901. Does anything turn upon that one?—No, nothing; it was a sum of 25*l*. I gave towards the defence of some prisoners.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,902. Mr. Harris, I must try your memory as to this account. Do you recollect whether in the accounts that you audited Egan showed the transfer of any large sums of money to America?—There was some money in American securities, railway securities I think they were.

94,903. I am speaking specifically. I put it to you, a sum as large as 100,000 dollars sent to America, to a particular person in America?—There was nothing in the accounts which would lead me to suppose that any such sum was ever sent to America, or the twentieth part of it.

94,904. Did the accounts show that the receipts from America, independent of any sum distributed for relief, amounted to the sum of 530,000 dollars as the amount of money received from America?—I could not at all tell you that. I have no recollection as regards the sums of items in the account, none whatever; it is seven or eight years ago now.

94,905. It is so; I am not asking you for the detail for a moment?—I could not at all remember.

94,906. I am asking you if your memory does serve you as to very large sums of money being sent?—No, the only two items I remember now of the whole thing, and even of them only a vague recollection, is a sum of 10,000*l.* for newspapers, and 6,000*l.* or 7,000*l.* for land.

94,907. I am not so much on that; you tell me you do not recollect any large sum of money, which I am suggesting to you may have been as much as 100,000 dollars, being sent to America?—No, if there was such a sum, or any such sum, it would be my duty to take special note of it.

94,908. I gather your memory is not very distinct; for instance, can you tell me the sum Mr. Egan acknowledged to have received up to the date of your audit?—I could not tell you the sum he acknowledged to receive.

94,909. I put it to you for the reason I have whether as large a sum as 530,000 dollars was not acknowledged by Mr. Egan to have been received from American sources?—I could not tell you that. I know there was a very large sum; but the amount I could not tell you.

94,910. Now we have the date of April 3rd, 1883, as the date when your house was searched?—Yes.

94,911. That is of course your private residence at Ballinasloe?—Yes.

94,912. On April 11th we find from your diary you left for Dublin?—Yes.

94,913. On April 25th I think it is you left for France?—Yes.

94,914. Had you at this time received any money from Mr. Parnell?—Oh, yes; I received money from Mr. Parnell on several occasions.

94,915. You are quite right in that; you were receiving money during the years 1880 and 1881, which seem to be sums, as you have mentioned, for organisation; but I am bringing you down to this time?—I have no special recollection of receiving money at that time.

94,916. You went from Paris to America?—Yes.

94,917. When your house was searched on April 3rd your documents were seized?—Yes.

94,918. And these are the documents of which we have spoken?—Yes.

94,919. I see on the 24th March, Mr. Harris, according to Mr. Parnell (this is at page 4146), Mr. Parnell paid you the sum of 50*l.*?—I have no recollection. Yes, he mentioned a sum of 50*l.*, but I could not say as to the date.

94,920. Have you any recollection what that sum was for?—I think it was to pay for the expenses of the prisoners. On what date will you tell me?

94,921. March 21st, 1883?—I rather think it was to pay the law expenses of the prisoners.

94,922. My Lord, I do not wish to digress now——?—If you compare that with the date in my diary of Kelly's letter from Athlone that would fix the date.

94,923. I do think so?—Perhaps I am not alluding to the same thing.

94,924. I am afraid your diary will not assist me?—My diary contains Kelly's letter.

94,925. No, pardon me, it is not your diary; your diary ceases in July 1882. This is the letter you refer to, 16th March 1883, "The Queen v. Cormican." I have been



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

expecting to hear from you according to promise"?—Yes, that is the letter. I know I got 50*l.* about that time.

94,926. That is the 50*l.*?—I rather think so; I think it is. That money was not given to me for the defence of these——

94,927. That is the letter from Kelly to you?—Yes.

94,928. Then I do not think this suggestion of yours is quite correct from the other portions of the letter:—"We have issued a writ of summons herein, not having heard from you according to promise"?—I will tell you how that was. I agreed to give Kelly 50*l.* for defending the prisoners. The prisoners, these Cormicans—there were about 15 of them—were arrested for blowing up, or attempting to blow up Weston House. The Ladies Land League had engaged a solicitor of the name of Ryan to defend these prisoners, and this Ryan—I believe he was not a properly qualified man; but whether it was the want of qualification, or whether it was he did not like to go before the judge not having his necessary qualifications as a solicitor, or for some other reason—just as the trial was coming on, this Ryan disappeared. The man gave evidence before this Court; I did not read his evidence.

94,929. Excuse me for interrupting you. I should not do it but for the reason that both you and Mr. Parnell seem to be mistaken. The Weston House explosion did not take place until the 25th March 1882; I am dealing with the 16th March 1882. I think there must be some confusion?—Perhaps I am wrong.

94,930. The 25th March 1882 was the Weston House explosion, and the 16th March must refer to some other prisoners?—There is a confusion of dates; but there was no other 50*l.* at that time; there is no doubt it is the same.

94,931. Do you see the letter; you have headed it "The Queen *v.* Cormican"?—The solicitor did; I never did.

94,932. Mr. Kelly to you, "The Queen *v.* Cormican"?—Yes.

94,933. Was "The Queen *v.* Cormican" the case of Weston House?—I think so.

94,934. No, I think not; however I pass that over?—"The Queen *v.* Cormican" was certainly Weston House.

94,935. If it be so, it is possible my note has a difference of a year; therefore, my Lord, may I withdraw it. It may be a confusion in my note of 1882 instead of 1883, if you say that "The Queen *v.* Cormican" is Weston House?—Certainly. I was going to explain, and I think it is necessary. There were some letters, three letters which Mr. Campbell, Mr. Parnell's secretary, gave me, which I intended to give in to your Lordships. I was stating when you interrupted me that the solicitor was not forthcoming. These people came to tell me that they were sold by their lawyer, and betrayed by him, and that they had no one to defend them. I thought it a very hard case, because there were a number of people involved in it, and I believed some of them to be innocent, my Lord, and under the pressure of those circumstances I at once went to Kelly, in Athlone, and I promised to give Kelly on my own personal responsibility 50*l.* for defending these prisoners in Sligo. It was postponed, and the man did not defend them. There were also cases in Galway at the time; I think it was in connexion with stopping hunting in the county of Galway, and I wrote to Mr. Parnell. The people themselves were collecting money; I knew they would have some money. I daresay half of it, that is the reason I went responsible, and I wrote to Mr. Parnell at that time stating that there were some cases of prisoners that I had made myself responsible for their expenses, and he sent me this 50*l.*, but I think it right to say, my Lord, that Mr. Parnell did not know about this specific arrangement that I had made in reference to Cormican and his friends, with relation to this charge.

(*The President.*) The name does not recall the circumstances to me—the Weston House. I remember it now.

(*Sir H. James.*) I regret the confusion, but the Weston House explosion took place on the 26th of March 1882. It was blown up by dynamite, and Mr. Harris points out that this letter headed "Queen *v.* Cormican" is March 1883. I presume there was some delay in the arrest of the prisoners, so no doubt Mr. Harris is right.

94,936. Now, Mr. Harris, I will trace your proceedings afterwards. You left your home after the search of your house in April 1883, and passed through Paris, and I think you reached New York in June 1883?—I did.

94,937. What was the object of your visit to America at that time?—The first time I went to France I went with the object of getting Egan to give me some money to



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

go to America. My brothers were there, and I wanted to go and lecture in America, that I might make a little money for my family, and also if possible to get restored to my health, which was all the time bad. But this murder of Cavendish took place, and I thought then that I would come home, lest I might be accused of having run away, or having any complicity in the outrage of the Phoenix Park, so I came back, and I remained at home for 12 months; but I kept the idea of going to America all the time in my head, and this time I went specially to go to America, and went viâ Paris. I expected at that time to be arrested every day, and when I got as far as London, I thought it better perhaps not to come home, as I might be arrested on some charge or other, because I was put under police surveillance for 18 months. And there was another reason I had for going. My wife, from my being under police surveillance, expecting them every moment to come into my house and arrest me, got very nervous—got a severe attack of nervousness—from which she has not recovered since; nothing affecting her mind, but palpitation and extreme nervousness. It was absolutely necessary that I should go away from home.

94,938. Of course Mr. Forster's Act had expired then. You said you had anticipated—whether rightly or wrongly—to be arrested. That would be under the ordinary criminal law?—Yes.

94,939. So you went and landed in America in the middle of June 1883?—Yes.

94,940. And I believe on landing you went at once to the "Irish World" office?—Not immediately; I kept away from the newspapers for a considerable time, I think.

94,941. I expect, Mr. Harris, they did not keep away from you?—I took precautions that they should not reach me too soon.

94,942. The representatives of the newspapers. Is it true that "Mr. Harris on landing called at the 'Irish World' office, and was cordially greeted by many friends there"?—It is entirely untrue. I called some time after that. I went to the "Irish World" to see Ford.

94,943. It would not be on landing?—Not at all.

94,944. But you did call at the "Irish World" office?—Oh, yes.

94,945. What I wish to ask you is, did you find when you landed at New York some old friends there?—I did.

94,946. Had Egan got to New York by this time?—I do not know; I do not think he had got to New York at that time.

94,947. Had he got to America?—He was in America; not at New York. He was far out in the West.

94,948. Was Sheridan in America?—He was. He was in New York.

94,949. Have you even seen Sheridan in Ireland since?—Never.

94,950. Had you known Frank Byrne?—I had a very slight intimacy. My only knowledge of Byrne was on some two or three occasions I went into the office here and saw him. I was not practically acquainted with him.

94,951. You knew who he was?—I knew who he was.

94,952. Secretary of the English Branch in New York?—I did not see Byrne in New York.

94,953. Nor in America?—Nor in America.

94,954. You have never seen him in Ireland since?—No, never.

94,955. Did you find John Walsh in America?—I met John Walsh by accident in Newhaven.

94,956. Have you ever seen him in Ireland since?—Never.

94,957. Did you meet or correspond with Brennan in America?—Oh, yes; Brennan and I met at Boston at the Great Convention that was there.

94,958. Have you ever met Brennan in Ireland since?—No.

94,959. Did you meet "Transatlantic" there at all?—I never met "Transatlantic" in my life, except once.

94,960. I do not know whether this is correct:

"Mr. Harris on landing called at the 'Irish World' office, and was cordially greeted by many friends there."

I want just to read to you what the reporter says you said. Do not suppose that I say it is accurate, but tell me whether this is accurate or not. Is it true that the



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

reporter said to you—this is what appears in the “Irish World” of the 23rd June 1883:—

“Coming so recently from Ireland, you must know the state of public opinion there, especially as regards the dynamite party.”

Now, Mr. Harris, I ask you whether you said this:—

“That is a subject upon which I do not wish to speak. If I said anything condemnatory of these men, it would in some degree be an endorsement of the brutal howlings of the English press and the murder policy of the Government. If I said anything in their justification, it might tell against the men with whom I had the honour of being associated when at home.”

Well, Mr. Harris, what do you say; is that a statement, as far as you remember, of what you said?—As far as I recollect, I think I made use of those expressions; but it was an impromptu interview; no arrangement whatever; just as I went into the office. But I am speaking from my memory.

94,961. Did the reporter say this to you:—

“Apart from practical politics, I do not think you would compromise yourself or anybody else by giving your opinion, say as an abstract question.”

This is what is ascribed to you:—

“I am not quite sure on that head; but at all events any person acquainted with the rudiments of theology is aware that a nation or an individual has a perfect right to save itself from destruction by every means within its power. John Locke is very clear upon this matter, especially in his chapters on war and slavery. But, my dear sir——”

This is to the reporter:—

“In politics we should never separate the abstract from the concrete, especially when large masses of the people have to be moved, and the concrete in politics is composed of many factors, foremost among which is public opinion, not alone the public opinion of our own country, but of all other countries; for every day the countries of the world are assuming more and more the character of one great Commonwealth.”

Does that recall your words to you?—I rather think I used those expressions.

94,962. Had you become a correspondent of a newspaper called “The Citizen”?—I wrote one letter; that is all, I think—one or two letters.

94,963. Are you quite sure there are only one or two?—I am quite certain; I never got paid for writing those letters.

94,964. Perhaps that was the reason you stopped?—No, it was not; but I found the labour of writing letters was rather too much for me at that time.

94,965. Was that a paper belonging to a Mr. Finnerty?—I think it was.

94,966. Had you been introduced to him by a person of the name of Dunn?—No, I was never introduced to Finnerty. I never saw the man in my life.

94,967. I do not mean personally, but as a correspondent?—Yes, Dunn was a personal friend of mine. He was married to a lady from Ballinasloe, and by that connexion I am very well acquainted with Dunn.

94,968. I find, although you say you only wrote one letter or two letters, in your diary, at page 1942 of the evidence, this—and this is the reason why I ask you the question:—May 1882—

“17th. Got letter from Dunn asking me to correspond for ‘Citizen’ letter dated 7th April.”

Then on May—

“28. Writing correspondence for ‘Citizen.’

“29. Editor of the ‘Citizen,’

“Bryan Block,

“No. 162 La Salle Street,

“Chicago, U.S. Amer.

“30. Finished letter to ‘Citizen.’”

And then—

“31. Posted letter to ‘Citizen’ containing 102 pages and letter to Dunn”?

—Yes.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,969. You stated your views fully, apparently?—Well, I forget what I stated now. You read a letter here yesterday that I never thought was in existence until I heard you read it.

94,970. Then I see—Monday, 5th June 1882:—

“Writing letter to ‘Citizen’.”

and your diary stops, as I have said, in July 1882.

(*Mr. Justice A. L. Smith.*) There is one on the 24th, you know.

(*Sir H. James.*) I see, my Lord:—

“Resumed writing to ‘Citizen’.”

(*The Witness.*) That must be a continuation, I think.

94,971. That was Finnerty’s paper. Had you seen the paper at all?—I got some two or three numbers of it at that time.

94,973. Did you gather from those members that that paper was a paper which advocated dynamite?—I did not.

94,972. From what you saw in it?—I did not.

(*Sir H. James.*) The “Citizen” is not in, my Lords. I cannot go further.

(*The Witness.*) What is the date of that, please?

94,974. (*Sir H. James.*) May 1882; I believe?—I did not know anything about it. One of the causes of my failure, as I might call it in America, to lecture there was that the Dynamite Party was so strong. The first city I went to lecture in was Manchester, and a resolution was brought forward by a committee composed of Dynamiters there, in favour of the dynamite policy. I told them I could not endorse such a policy, and that I would withdraw from the Convention if they put it forward. The result was sooner than let me withdraw from the Convention, they withdrew the resolution, and I found from the state of political feeling in America it was impossible for me to go about lecturing through the States, on account of the opposition of the Dynamite Party, on the one hand, and other organisations which did not adopt the dynamite policy, on the other. In fact there was utter confusion at this time amongst the advanced National Party in America which entirely disabled me proceeding on the lines that I hoped to have proceeded upon when leaving home.

94,975. You say you found the Dynamite Party very strong in America?—I did. I was invited to attend to several places by them, but I declined touching on their movement.

94,976. In October 1883 we know you were in America?—Yes.

94,977. Was Sheridan at that time in communication with you?—I met Sheridan very frequently in America—in New York.

94,978. Did you know of his lecturing at the Horticultural Hall in Philadelphia in the early part of October 1883, shortly before the 14th October?—I did not.

94,979. Did you know that Sheridan at this time was advocating a well-directed scientific warfare of dynamite and trynamite through glycerine?—I knew that Sheridan lent to the side of the Dynamiters just as Ford did. He was writing in Ford’s office.

94,980. I understand you, Mr. Harris, if I am not wrong that you, met Sheridan at Ford’s office at the “Irish World”—saw him there?—Yes. I do not say that I met him on the occasion of this interview, but I went to the “Irish World” office several times.

94,981. And did you continue to see Sheridan until the time of your leaving America?—Whenever I met him accidentally.

94,982. Have you ever corresponded with him since?—Never.

94,983. You say he advocated dynamite?—I rather think so.

94,984. Would you say of Sheridan now, with what you know, that he is “a kind of man that would not be suspected of doing any crime, or of having anything to do with assassination; that is his general character.” I am reading from Mr. Davitt’s evidence at page 5746. Should you give him that character after what you have said?—I would be inclined to give him that character so far as acting against individuals; but as taking action against the Government of England, I would not go so far.

94,985. I do not know that I ought to press you too much; of course you appreciate that the explosion of dynamite may cause the death of innocent persons, what we should call assassination?—There were several explosions in this city where no deaths have resulted from them.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

94,986. Before I come to your speeches, I have one or two things to ask you about. I understand your knowledge of the Land League affairs and the circumstances of your absence through arrest; during the period that you did take part in Land League affairs and also in National League affairs, did you know certain persons who were carrying out or effecting the business of the League. Let me give you some names. Did you know Mr. J. P. Quinn, the secretary?—I did. Before we leave this case of Sheridan I wish to remark that Sheridan, whatever he may have advocated in a general or an abstract sense, that so far as my knowledge of the man goes, I do not think he would have taken practical action in the direction of taking human life. People sometimes adopt theories or condone theories (I have done so myself) which they would not approve of when it came to action.

94,987. I do not wish, Mr. Harris, to cross-examine you too much, but in relation to what you say, do you think that Mr. Sheridan would wish “a hearty God speed to all “who worked for Ireland in any way,” including, you know, explosions by dynamite?—Well, I rather think so. I think Sheridan’s position was something similar to that which I myself expressed there to Ford—that is, that in an abstract sense, he would justify either a nation or an individual preserving itself by any means in its power.

94,988. I am not at all objecting for the moment to the propriety with which you have spoken upon this matter, but now I am asking you as to your knowledge of persons who took part in this League business. I was asking you about Mr. Quinn?—Yes.

94,989. What was his real christian name, J. P.?—I cannot tell you.

94,990. You know the person I mean, J. P. Quinn. In what capacity did you know Mr. Quinn to act?—Secretary or clerk in the office.

94,991. Of the old Land League?—Of the old Land League.

94,992. Has he had anything to do with the National League?—Yes, he is there still.

94,993. When did you see Mr. Quinn last?—I could not tell you; when I was last in Dublin I think I saw him.

94,994. I think I am entitled to ask you, can you give me any reason whatever why Mr. Quinn should not appear before this Commission as a witness?—I could not give any reason.

94,995. Did you also know Mr. Doris?—Yes.

94,996. In what capacity did you know him?—He was one of the clerks in the office.

94,997. He was a sort of head clerk—he wrote many letters, you are aware of that?—I think so; he was not a head clerk—an ordinary clerk.

94,998. I believe they called him the law clerk. When did you see Mr. Doris last? It is a long time since I saw Mr. Doris, I could not tell you—save five or six years—I dare say. I may have met him as a reporter at some meetings.

94,999. Can you make any suggestion why Mr. Doris should not be called?—Well, those men were not of any very great importance that way, that they should be called; and altogether take the men themselves very many persons object to this Commission—the men themselves may have an objection to come before the Commission.

95,000. You also have mentioned the name of Mr. W. F. Malony?—Yes.

95,001. We know what he was; he acted as treasurer in Ireland?—Yes.

95,002. When did you see him last?—I saw him here in London just for a moment about twelve months ago.

95,003. Have you any reason to give me why he should not be called as a witness?—Well, he is a man who has gone through a great deal of trouble, Malony; he was involved in business difficulties, and he has become dissatisfied and sour and discontented with politics and politicians. I presume that is the reason, though I cannot say it for certain. I had no conversation with him on the subject.

95,004. Do you know a person we have heard of, Mr. Brady?—Brady; I do not know Brady.

95,005. Of the English Land League?—Yes, I have a casual knowledge of him.

95,006. With Mr. Malony, of course, we have heard the name of Mrs. Malony in the same way?—Yes.

95,007. You know Mr. Campbell who was acting as secretary to Mr. Parnell?—Yes.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,008. And at one time, as we know, was secretary to the League. We had the letters about the removal of the books in evidence?—Yes.

95,009. You have seen Mr. Campbell in Court here, I think?—This morning. I am not sure whether he was secretary to the League. I am not certain of that at any time.

95,010. I am speaking of the old Land League, at the time of the removal of the books?—Even so; I am not sure.

95,011. Did you know of his having any connexion with the No-Rent Manifesto in 1881?—I did not.

95,012. You would not know that?—I was in gaol at this time.

95,013. You are quite right. You have seen Mr. Campbell in Court here from time to time?—Yes.

95,014. Have you any suggestion to make why Mr. Campbell should not be called as a witness?—Well, I have not.

95,015. When I say called as a witness, Mr. Campbell did go into the box for one purpose, for of course Mr. Campbell would have considerable information on this subject?—I daresay he would.

95,016. I will not ask you if you were not here; but were you present in Court on the 13th March of the present year, when my learned friend Sir Charles Russell made his statement as to calling witnesses?—I was not—let me see, I think I was.

95,017. Then if so, I want to ask you if you can give me any explanation—did you hear my friend say, referring to John Dillon, “With that exception, every member of Parliament, who is included in the list of incriminated persons, will be called before you to give evidence in chief”?—Yes, I heard him make that statement.

95,018. “Or if it be the case, as there are a great many where there is nothing directly alleged against them except the fact of being members of the Land League, they will certainly be put into the box, and if my friends or your Lordships desire it for the purpose of cross-examination.” Have you seen the Messrs. Redmond in Court here during this inquiry?—Yes, I did.

95,019. Has Mr. Cox been in Court?—I disremember; I think he was.

95,020. Was Mr. Cox known to you, Mr. Harris, as an organiser of the Land League?—No.

95,021. Never?—No; he may have organised; there were very many men taken on from time to time to do a district, and he may have been one of them, but I hardly think so.

95,022. Do you know whether Mr. John Barry took an active part in these affairs?—Not an active part. Barry was never an active man in public movements.

95,023. Was he connected with you at all in old times—in the Irish Republican Brotherhood time?—Well, I never met him in that connexion.

95,024. Mr. Nolan, was he known as a Land Leaguer?—No, he was not.

95,025. Never?—Never.

95,026. Nor in old times either?—No; no, never.

95,027. Now, I think I have only got to ask you as to some speeches?—His Lordship was kind enough to say I would not be examined at great length; but there were very serious allegations made against me by the Attorney-General, and I would be glad if the examination should be as exhaustive as possible, because it is only by an exhaustive examination I can endeavour to clear my character.

95,028. (*The President.*) One moment. Sir Henry James was going to take up another branch of the subject, and when he has completed his examination I will invite you to say anything you like?—It is only as regards evidence.

(*The President.*) I think you will find it more convenient. I am only seeking to meet your convenience in the matter.

(*Sir H. James.*) I am sorry I am not able to fulfil my promise by examining you more at length; but I have to ask you a few more things definitely. Yours perhaps would be a general statement.

95,029. (*The President.*) The witness was rather inviting you to go into an exhaustive examination?—In order to give me an opportunity of contradicting the various statements made by the witnesses, and made especially by the Attorney-General in his most savage attack upon me.

(*Sir H. James.*) Well, I will ask you something that will cover what you have in your mind, and probably you will state the rest.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,030. One word more as to Mr. Cox. Were you aware that during the year 1881 the Mr. Cox I am speaking of (whose Christian name is J. R. Cox) was receiving what appears in the accounts as a salary: March 12th, 1881, J. Cox account; salary 30*l.*; and the 13th, J. R. Cox, 31*l.* 10*s.*; J. R. Cox, prisoners, Galway, June 6th, 75*l.* That appears from the Hibernian Bank account books, which books are in evidence. Do you know what those moneys were paid for?—I never took any notice whatever of expenditure from the office. My work was in a different direction.

95,031. I have not, I think, taken the exact amounts, and I do not know whether you can give me the exact amounts; but I may take it from you during all the years we have been dealing with you were receiving sums from the Land League for expenses you were incurring?—Quite so; yes.

95,032. For instance, take the year 1881. You were receiving, I see, 20*l.*, 15*l.*, and 100*l.* (that would be in March before your arrest), and subsequently you received three sums of 15*l.* There are like entries for the year 1880. I presume that was expenditure in connexion with the organisation?—Yes.

95,033. Before coming to your speeches, I would ask you in the year 1880 did crime commence to manifest itself in what I will term your district?—No.

95,034. In 1880?—No.

95,035. I take your district as being the district of East Galway?—East Galway, yes.

95,036. The town where you live, Ballinasloe, is on the immediate border of Roscommon?—Yes.

95,037. And then we have, coming westward, Loughrea?—Yes.

95,038. Croughwell?—Yes.

95,039. And Athenry?—Yes.

95,040. What is the distance from Ballinasloe to Loughrea?—About 20 English miles.

95,041. Is there a railway?—There is no railway.

95,042. I must take Galway as a whole. In the years 1877 and 1878 you were singularly free from agrarian crime in Galway?—Yes.

95,043. I find in 1877 you had only five crimes, of which three were threatening letters. In 1878 you had only three crimes, of which one was a threatening letter and one was resistance to legal process; and in the year 1879 we find an increase in crime. Does that agree with your view?—The year 1879, increase in crime?

95,044. Yes?—Yes, there was an increase in crime, but not in my district. In the north of Galway there was a great increase of crime in the year previous to the establishment of the Land League. When I was going to the Irishtown meeting there were police huts—at least one police hut—erected, and there was a very heavy tax on the people under the old Coercion Act.

95,045. The Irishtown meeting was in April 1879?—Well, it was prior to that. There may have been some in 1879.

95,046. In the whole of 1879 we had only 33 agrarian crimes, of which 17 were threatening letters. We have only 16 agrarian crimes proper, as we call them. That of course is a small increase?—It is not an increase on 1878, I think.

95,047. Yes, pardon me, I have given you 1878?—How many murders were there in 1878?

95,048. None. I will read you the whole offences in 1878: Cutting or maiming the person 1, threatening letter 1, resistance to legal process 1. That is the whole agrarian crime in the whole of the county of Galway?—Does it give the dates in 1879?

95,049. No, it does not?—It must be in the earlier part of 1879.

(*Sir H. James.*) My Lord, I had not caught the letters E. R. It is "County Galway, E. R." That is the east riding. Those words had escaped me.

95,050. You asked for the whole county?—I ask for the northern district of Galway.

95,051. As far as we are concerned, Mr. Harris, we have only two divisions of Galway, the east riding and west riding. How do you get the northern division? Is that part of both ridings, east and west?—It is now one of the Parliamentary divisions. I rather think it is in East Galway.

95,052. (*The President.*) Does east and west riding divide the whole county?—It does, my Lord.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,053. (*Sir H. James.*) Then in the east riding I have given you three, and I have read you what they are, and in the west riding where crime seems to be more abundant, the numbers were, in 1877, 15 (10 of which were threatening letters); 1878, 19, of which seven were threatening letters. Therefore there were 12 agrarian crimes. In 1879 (I cannot give you the months) we get the great increase in the west riding to 146, and in the east to 33. I will not argue as to dates. You recall the Irishtown meeting was in April 1879?—Yes, previous to the Irishtown meeting I know, my Lord, there was a resolution passed by grand jury calling upon the Government for further coercion in consequence of agrarian crime. That is the reason I am so strong on the matter.

95,054. I have April 1889 as the date, and I have this matter. You are aware, are you not, that in the year 1880 we get upwards of 400 agrarian crimes, and in the year 1881 we get very nearly 500 agrarian crimes?—There were no serious agrarian crimes in 1880. Are there any murders in 1880?

95,055. Yes, I have one murder in the east riding, and one murder in the west riding?—What murder was that? Was it an agrarian murder?

95,056. It is returned as an agrarian murder. I can refer to my note and give you the detail. It is so returned as an “agrarian” murder again in the previous years. Then we have aggravated assaults, 19; we have incendiary fire and arson in 1880, 24 in the two ridings. So there is considerable grave offence existing?—That one crime, I think, had nothing to do with agrarianism. It was the murder of a game-keeper of Mr. Mahon’s.

95,057. I am reading from the returns. When should you say that any branch of the Land League was first established in Galway, if you know; but, if not in your district, when was it first established?—I could not tell you. We had the ‘Tenants’ Defence Association in Ballinasloe from 1876 onward and the transition then. I could not say when we adopted the Land League programme, nor when there were other branches. It was a considerable time after the first starting of the first branches.

95,058. Were there any branches established in the year 1879?—I hardly think so.

95,059. At any rate, in the early part of 1880 you had the Land League started?—We had.

95,060. You have told us almost fully the part you took in doing your best to support the Land League?—Yes.

95,061. And of course part of that work you undertook would be the making of speeches?—Mainly.

95,062. I am going to ask you about some of these speeches. Take the month of August 1880; at that time you knew, did you not, that there was a great deal of crime in this county?—I thought the county was very tranquil and very peaceable at the time. As for threatening letters nobody knows about them except the police authorities themselves. As a matter of fact there were no murders, or, I think, maiming of cattle. Crime in my judgment at the time (I speak from how I felt then) was at a minimum, though the figures seem to contradict that.

95,063. Pray do not confuse dates, Mr. Harris. I have purposely come now to a time when crime must have been very rife, August 1880. I will skip the earlier time of which you have spoken?—How many murders were there up to August 1880?

95,064. I have given you two which occurred in 1880, but there are other crimes besides murder, I am sure you will feel so?—You have not given me two murders, I beg your pardon, that were committed up to that time.

95,065. I have read from the return in 1880 one in the east riding and one in the west riding?—There may have been one in the west, I do not know.

95,066. I am speaking of the whole county?—Galway is the second largest county in Ireland. Two murders in one year was not a very large extension of crime, and one of those was non-agrarian.

95,067. You have spoken of 1879. There was a demand for further police assistance. I am speaking of the numerous crimes which existed in 1880. I do not wish to be arguing with you, but we have got of agrarian crimes 78 and 324. We have upwards of 400 agrarian crimes of all classes compared with 20 in 1887 and 22 in the year 1878. I am not confining my observations to murder alone, but to other crimes. Now I have a speech of yours here of the 1st of August 1880, in which you say this?—Where was it delivered?



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,068. It was delivered at Frenchpark.

“ Now, my friends, I say the landlords are pitted against the people of this country. Now, gentlemen, I am not very fond of preaching, so no man loves peace better than I do. And I do suggest to every man in no instance to violate the law. But, my friends, there is another and a higher law than the law of the land, and that is the law of justice—the Divine law of justice as between man and man. And if you have to select between the laws of the land and the laws of men, and elect between those and the laws of justice, I do recommend you to-day as the great Archbishop  
(*did*, I presume) ?—That is Dr. McHale.

95,069. Yes.

“ When the Ecclesiastical Titles Bill was passed there was a great panic throughout the length and breadth of Ireland. All the timid bishops trembled for fear their places would be taken from them. Well, what did the Archbishop do ? Before the ink was dry on the Act of Parliament he went into the pulpit in Tuam. He took up his Act of Parliament and read it to his people from the pulpit, and he said, ‘ My friends, this Act is in accordance with the laws of the land, but it is in opposition to the law of God, and therefore I take this Act of Parliament and tear it up.’ And he took it like an Irishman and trampled upon it.”

95,070. I say again I do not wish to argue with you ; but that was your view of what it was right to tell these people who were listening to you ?—Well, if my memory serves me I think it is also Blackstone’s view. He puts natural laws far above human law or any other law.

95,071. I must leave that to their Lordships to determine. That is your view ?—He really puts natural law far above every other law.

95,072. We will see how crime goes on. That is the first speech you make. At this time of course you were aware that great feelings was being engendered against people who were taking farms from which another man had been evicted ?—Yes, all through life that has been the case as long as I remember.

95,073. Of course we have heard a great deal from certain sources as to anger only being engendered against those who took farms from which another had been unjustly evicted ?—Yes ; I was very careful in impressing on them that principle of justice all through in my speeches.

95,074. I am asking you to say whether that is so. I am referring now to a speech that you made on the 5th September 1880 at Clanmacnoise. This is your resolution :—

“ That knowing as we do that it should be impossible for the landlords of the Kings County to rob, oppress, and exterminate the tenant farmers in the way they have done if they had not the co-operation of a section of the tenantry, we hereby declare that the man who would take a farm from which a tenant has or shall have been evicted is a public enemy, one who deserves the reprobation of all good men.”

95,075. You see there is not a word there about being unjustly evicted. That is not a speech, it is a resolution ?—I do not remember that resolution. I know I had nothing to do with the drawing of it up.

95,076. It is the 5th September 1880 ?—Oh, it is quite possible it may have been passed.

95,077. I have another speech of yours delivered on the 26th September 1880 ?—Putting down land-grabbing was one of the most important and most necessary things connected with the League.

95,078. So I understand your view ; but will you bring your mind, please, to the point. I am upon the point whether your denunciation was of those who took a farm from which another had been evicted from any cause or from which another has been evicted ?—Unjustly evicted. The word “ unjustly ” may have been left out of the resolution, but it should have been there. As a general rule it is in all our resolutions.

95,079. I am afraid there are a great many instances. Here is one of yours on the 26th of September 1880. Here is your resolution. You say :—

“ I have been entrusted with the third resolution. It is as follows :—That believing as we do that the curse of Ireland is land-grabbing, we hereby



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

“denounce the man who would take a farm from which another has been evicted,  
“as an enemy to God and man.”

—Where was that resolution passed?

95,080. At Killeenadeema. Do you recollect that?—I have no recollection of any such resolution. Very often we went to a meeting there, and those ignorant country people would have their resolutions, some of which, perhaps, they would not submit to us, and when you got up on the platform to speak you made your speech; and as to the resolutions, they were counted the smallest part of the performance in very many cases. Of course, where there was time, or when the weather was good, or where there was a committee, or any arrangement, but an impromptu meeting in a country parish where there would be people without any great knowledge of what the legality of a document was very often resolutions of this sort stole in.

95,081. At the time we are now speaking of, September 1880, was the state of your county such that it was, in your opinion, safe to denounce people by name?—Quite safe.

95,082. I will not argue with you, but we have Mr. Davitt's evidence. You thought it quite safe to denounce people by name?—Yes.

95,083. Was there any time or period when it would not be safe to denounce people by name?—Yes.

95,084. When would that period come into existence?—That period would come into existence in 1882.

95,085. Not before?—Let me see, perhaps in the latter end of 1881. When outrages commenced, then it would be dangerous.

95,086. Does that answer apply to your own district, or to all the places in which you spoke?—It applies to all the places in which I spoke.

95,087. Is it your view, that up to the end of 1881, looking at the crime which was going on?—No, not to the beginning of 1881.

95,088. I beg your pardon?—The beginning of 1881. Up to about the time of March 1881, I think up to Mr. Forster's Act. If Mr. Forster's Act had not been passed we would have kept crime under.

95,089. We have statistics in support of your statement. That is your view now?—That is my view.

95,090. Well, we will see how far you are right?—In fact it was an understood thing among the leaders of the movement, I may tell you, in relation to this—with Egan, and myself, and Mr. Davitt—that at the time of the State Trials, which was early in 1881, we would pursue a more moderate policy. I wrote a pamphlet at that time on this land question, giving my solution of the land question. I would be very glad if it were put in. I do not know whether you have a copy of it or not.

95,091. I have not that document?—I go into the case fully.

95,092. (*The President.*) Certainly; it shall be put in if you have a copy of it?—I have not a copy of it here.

95,093. Could you get it?—I could get a copy. I go into the whole case fully, and give my solution of the land question.

(*The President.*) I think we ought, under the circumstances, to see what this gentleman put forward at the time.

95,094. (*Sir H. James.*) I wish to say nothing more than this. Of course it shows the regret we must feel for my friends having taken this course. I will assist Mr. Harris if he wishes anything; but I have no opportunity of placing anything before you. I have no opportunity of doing anything but cross-examine. Will you state what it is you wish in?—I wish to refer to a pamphlet I wrote. I think you have a copy, Mr. Lewis.

(*The President.*) Perhaps, Mr. Lewis, you have it?

(*Mr. Lewis.*) I have not it here.

(*The President.*) Will you have the kindness to send for it?

(*Mr. Lewis.*) Yes.

95,095. (*The President.*) It would be more convenient perhaps, because something might arise from it?—In 1881. Of course, as regards speeches, you have to deal with the passions and feelings of an oppressed people, if you want to arouse them; but in writing a pamphlet upon a public question my deliberate views are put forward as to the solution of the great question that I was advocating at the time. I will be very glad if your Lordship will look at the pamphlet.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,096. (*The President.*) I will, but I cannot disguise from you that it is a serious question what would be the effect of the language on the people you would address, if it was stronger than you would put in the pamphlet?—Yes, of course there is a great deal in what your Lordship says, but still even in England here great popular leaders have found it necessary to appeal to, as I say, even the prejudices of the people in trying to stir them up. Our peasantry in Ireland, my Lord—the farming classes—were in a very dormant, low, enslaved condition, and if we had not worked with great energy and appealed to every feeling and every sentiment that would rouse them up we could never have brought the Land League beyond the point to which Mr. Butt had brought it in his old drag-along movement.

95,097. (*Sir H. James.*) If you will put down anything you wish to state afterwards I shall be glad?—It is impossible for me to put down. I do not want to make any speech when I conclude my examination. I am not able, on the one hand, and I would not do it after the course Mr. Parnell took on the other. His Lordship is kind enough to allow me, on account of not having counsel, to make this explanation. I hope he will not object.

95,098. I am sure there is no wish to stop you for a moment. There is not the slightest wish to stop you for a moment. I take it from what you say now that there would have been a time, which I presume you put as March 1881, which was the date of passing Mr. Forster's Act, when it would not be safe to refer to persons by name?—Yes.

95,099. I will go back to that in a moment. I see in a speech you made on the 1st of August 1880 at Frenchpark, you say this:—

“ We have here in the west one complaint to make, and that is against  
 “ Leinster and Munster, that they are not coming to the rescue. (‘Down with  
 “ them.’) We cannot say ‘down with them’ for they are our brothers. But it  
 “ is an extraordinary thing that the provinces of Leinster and Munster, which  
 “ were so much superior to Connaught men, that they are lying down prostrate  
 “ at the feet of their enemy. Westmeath, that has been so much boasted of for  
 “ their patriotism, are lying down too.”

With the exception of the existence of the Ribbon Society, what particular patriotism had Westmeath shown?—Westmeath was always a very advanced county in political movements.

95,100. By virtue of the existence of the Ribbon Society?—No, no. The Ribbon Society was always a society that was injurious either to public movements or to sacred movements of a broad national character.

95,101. Whatever you have in your mind, of course you ought to state. Westmeath had been the seat of the Ribbon Society, had it not?—No more than other counties. No more than Tipperary or Roscommon. There was a Westmeath Act. At one time Ribbonism took a great head in Westmeath, but it is a society that rises at one time in Kerry, another time in Roscommon, another time in Westmeath, another time in Tipperary. It is a sort of social disease connected with our land tenure system; not an organisation proper, but a movement that seems to rise spontaneously in various places. Now one of those spontaneous outbursts of Ribbonism took place in Westmeath, and that of a very violent character. I did not allude to that at all in alluding to their patriotism, but they were very very forward in the repeal agitation, and in the '48 movement, and in other public movements—the land movement.

95,102. You are aware of the condition of Westmeath in 1870 when the Ribbon committee was appointed. At that time Ribbonism was in a very active condition in Westmeath, no doubt?—Yes.

95,103. Is it your view also that that Ribbonism was brought to an end by the influence of the bishop?—No, I could not say that. Those things die out after they commit some gross outrages. Public feeling turns against them and they fall away.

95,104. Proceeding with this question of the evictions being just or unjust, you also made a speech at Riversville on 19th September 1880. That is the scene of the Murphy Hyne's farm?—Yes.

95,105. Lord Dunsandle was the landlord?—I believe so.

95,106. Bermingham had been evicted from the farm?—Yes.

95,107. You say here:—

“ It is not that we want to support Bermingham; it is not that we care about  
 “ Bermingham; it is not that we want to interfere between Lord Dunsandle and



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ the slaves that he has had around him in the past; but we have come to maintain the broad principle that no man should auction a crop, or take land from which another has been evicted.”

95,108. Now I am putting it to you that you say nothing there about the justice or injustice of Bermingham's eviction, but you leave it generally as to the taking of land from which another has been evicted?—Well, in making over a thousand speeches it is natural to think I might leave out the word “injustice” in some of them. You are picking out the worst.

95,109. No, I am calling your attention to them as they have been relied on. If you have an explanation to give, or comment to make, of course now is the opportunity?—As regards that, my Lord, in 1848 Lord Dunsandle was a great exterminator, and the persons who own estates in the same locality. On Persse's estate there are 500 roofless cabins at present, and really at the time I was shocked at the idea that these men were going to resume their former action as regards the extermination of the tenant farmers, and I went more strongly and violently into the case of Murphy Hynes than perhaps I would have done under different circumstances. There is this further thing in it too, my Lord. I knew there was no danger to Murphy Hynes. His sister lived next door to me, and I was aware that the man by putting a little pressure on him would give up the farm, and I was very desirous that he should do so to put a stop to exterminations in that locality where there was very sad work in old times, my Lord. Really the population of the county of Galway has diminished to one-half owing to these dreadful exterminations from the good lands in the country.

95,110. We understand Murphy Hynes expressed his penitence?—Yes.

95,111. Then after he had left the farm Dempsey took it. Then two months after Dempsey took it Dempsey was murdered?—That was a very sad event; but I was in gaol at the time, and it was seven or eight months, I think, after this speech.

95,112. Certainly. I say Hynes left it months after Dempsey took it. There is a difference between that and the date of your speech of seven or eight months, and you were in prison. Let me ask you whether you think this, in the state of the country then, was language which would tend to prevent crime;—

“ In the Presidency of Bengal, when what they call a ‘man-eater,’ one of the fiercest of the tiger species——  
—Is this at the same meeting?

95,113. Yes, the same meeting. It is the same speech. The speech is in. It is after you had spoken of Lord Dunsandle.

“ In the Presidency of Bengal, when what they call a ‘man-eater,’ one of the fiercest of the tiger species, put his appearance in, the whole of the villagers around are in a state of alarm. The tiger! They do not know when he may devour some of them, and they all come together and make great exertions to drive him from the locality in which he is. So it should be with a bad landlord, his agent, or bailiff; when he comes into a district to oppress and grind them, to put people out of their peaceable homes, you should all congregate together, as people do in Bengal, and drive that worst of tigers from your midst.”

95,114. I do not know whether you think—let me go back upon it—whether you think that language was likely to diminish crime or increase it?—Well, there was no crime in the county up to that; and as I told you my feelings were very strong at the time on this question. I took the tenants' side, and I was anxious to put a stop to the action of the landlords in the evicting of people. It is strong, no doubt, but they have done more harm to the county I represent than Bengal tigers, or any other form of wild animal could do; nothing could exceed it.

95,115. I am speaking now of your denunciation of people. We have another meeting of yours on the 17th October 1880; that is a speech at Kiltoom. You first denounce Mr. Sebastian Nolan; you say:—

“ The worst man is Sebastian Nolan; the worst man, the worst agent, and the greatest scoundrel in the West of Ireland.”  
—That is perfectly true.

95,116. (*Reading.*)

“ Sebastian Nolan was fired at in the county Galway. (*A voice: It was time.*)

“ (*Mr. Harris.*) Of course the man who fired at him committed a very great crime.

“ (*A voice: Oh.*) (*Mr. Harris.*) But for fear that he had been fired at, I will not say what another outrage he would even have committed—a greater crime.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ What did Sebastian Nolan do? He came by the tenants one by one. He had  
“ the face of a hypocrite.”

(I call your attention to what you say.)

“ But for fear that he had been fired at I will not say what another outrage  
“ he would even have committed.”

Do you think that your language would be likely to prevent people shooting at him?—  
It was not language I should have used, but I used that language under great excitement. My father held a small farm in that locality; he was a man that spent 500*l.* or 600*l.* in improving this farm, and two days after his death the bailiffs came to our house to serve him with a notice of eviction from the land that he had made himself; so that I spoke under the highest excitement at the time; and what I said about Sebastian Nolan is quite true; he is one of those very bad agents that gentlemen select when they can get no one else to evict their tenants and raise their rents.

95,117. But still you say you knew the man had been shot at, which was a crime, and then you say:—

“ But for fear that he had been fired at I will not say what another outrage  
“ he would even have committed.”

—I do not think I am properly reported there; it is not my rhetoric; I would put it in a clearer way.

95,118. Kiltoom is in Roscommon?—It is in Roscommon, my native place.

95,119. I see in the same speech you are speaking of a man named Shiel, who was a bailiff, I suppose?—No, I do not recollect Shiel; yes, I recollect him now.

95,120. What you say is this:—

“ While he was in life in Ballintoppe I denounced the acts of Shiel, and in  
“ this meeting or any other place I denounce him as one of the lowest and basest  
“ men that ever did the dirty work of a tyrant.”

That was the agent that served my father with the notice I mentioned.

95,121. Then you proceed to deal with other people. Now I think it right to call your attention again to the speech we have heard so much of; you may think it right now to say something about it; and perhaps it is as well to repeat it. We come to your speech now that you made at Galway, on the 24th October 1880. You say this:—

“ And when I see this extermination, and when I see the weakness of our  
“ people, and when I see tyranny triumphing over right and justice, and when I  
“ see my fellow countrymen driven to the four winds of heaven, I say to myself,  
“ and I say it here to-day, that if the tenant farmers of Ireland shoot down  
“ landlords as partridges are shot in the month of September, that Matt Harris  
“ never would say one word against them.”

Well now, Mr. Harris, as against that I will read all——?—If you please read all that I said.

95,122. I will take care to read this most faithfully; you shall have it read. I have it here, and then you shall also explain anything you desire.

“ In my speeches throughout this county, wherever there is a bad man I do  
“ not hesitate to mention his name, and I do not hesitate to mention Thompson  
“ by name.”

Then you proceed to say what he did.

“ What does that man do? On these limestone islands, where there is only  
“ a thin covering of earth, and where God Almighty in His bounty sends in the  
“ seaweed in order to fructify the arid soil, this man has taken from the people  
“ that seaweed, without which they cannot till their lands; he has taken it with a  
“ view to cut off the supplies which God and nature gave, in order that that  
“ island may be as barren of people as if it were a bare rock, and it is little better  
“ than a bare rock if they be not allowed to take seaweed.”

Now I think there was some objection made by the chairman, Mr. Tierney, to what you said at the time?—Yes, Mr. Tierney said it.

95,123. I will read you what you said, and I will ask you whether you think this qualifies what you had said.

“ I think it right to explain that I did not utter one word in favour of  
“ shooting landlords. What I said was simply this, that at a former period I  
“ went, at the risk of my life, to prevent the sort of thing, but that, from my  
“ experience up to the present, I could hardly say that I was doing either good or



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ evil when I was doing so; and what I said was simply this that, if they were  
 “ shot I should no longer do as I did in former times, come forward to denounce  
 “ the men who were guilty of shooting them. I think I made myself as clear on  
 “ this point as it is possible, and I would be very sorry indeed that my friend,  
 “ Mr. Tierney, or any other gentleman, should misapprehend me, because there  
 “ are very few men more opposed to shedding of blood than I am, not alone of  
 “ landlords, but even of the lower animals.”

Now at this time I think that was the only explanation you sought to give?—On the occasion.

95,124. That does represent your apology. There is another meeting, of course, which I will refer to in a moment, in Roscommon, but on this occasion—the occasion of the meeting—does that represent the views you entertained, the second statement?—The second statement; well, considering it was an impromptu statement, it did; and I may as well say, my Lord, with regard to that speech, even from what he has read your Lordship will see it was purely emotional. It was the same as if your Lordship in the course of proceedings had come in contact with a very bad, base man, and you might say to yourself “that that man deserved hanging”; but it would be a very different thing if the man was being tried before you, and if you had to pronounce sentence, you would not confine yourself to the emotional; you would suppress that. and you would act according to your Lordship’s sense of justice, your reason and judgment, of course, largely influenced by your conscience. I do not think that I should be held responsible for that expression as a statement deliberately propounded by me, or one that I would act upon, or one that I should wish to act upon, or that others would act upon. The great fault on my part was, that I delivered these sentiments to an audience that might put a bad interpretation upon them. I felt that immediately after, and I did all I could, and I made that explanation, and another, which the learned counsel will read, in Ballinleague the following Sunday, in order to disabuse the mind of the people as to my sentiments on this subject, and I would ask your Lordship to accept that explanation. I may further state, that previous to my speaking of Nolan was over—I forget the name of the English gentleman, but a distinguished politician in his time, said—he gave it as his opinion—that landlords were more murderers than tenants, and deserved being shot down rather than tenants, and being hung. And further, I may explain to you I was up all night battling with the committee about the precedence of speakers, and resolutions, and one thing and another, and really I was not in that tranquil state of mind which gentlemen might think I was in at the time when I made the speech.

95,125. I am sure we are listening to what you have to say; that explanation was made, and that explanation given, such as it is, on the 24th October. Your speech attracted, I think, a great deal of attention, and comments were made upon it that were brought before your notice?—Yes.

95,126. You spoke again at Loughglinn, in Roscommon, on the 31st October 1880, in which you refer to this speech again?—Yes.

95,127. I read them both at the time, but I think it right, and I will read it now. I think I had better read the whole of this in justice to you. You say:—

“ The reference which the speaker that has just addressed you has made to  
 “ agrarian crime reminds me that I have not been very well treated by the public  
 “ press in reference to statements which I made at a meeting in Galway. (‘Groans  
 “ for them.’ Groans.) At that great meeting I made use of an expression which  
 “ perhaps I should not have made use of, but I was misunderstood as regards the  
 “ meaning which I myself attached to that expression, and the late Attorney-  
 “ General, Mr. Gibson, and very many of the English papers have taken advantage  
 “ of that expression, and have used it in order to bring opprobrium upon the  
 “ cause of the tenant farmers. (‘Down with them’). After using that expression  
 “ the chairman of our meeting remarked upon it, and I was happy to seize upon  
 “ the occasion in order to say, and I request that the gentlemen of the press will put  
 “ down my words here now in order to state that not only was I opposed to the  
 “ shedding of human blood, but I was actually opposed in feeling to the shedding  
 “ of blood, even of the lower animals. No man could make a clearer or a fairer  
 “ recantation than that was. Gentlemen, the expression I made use of was this. I  
 “ said after giving an account of the endeavours that I had made in 1843 and 1844  
 “ to put down agrarian crime, I had before my mind the honest endeavours that I



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ myself, and that the great Liberal party and the priesthood at that time had made, to put down agrarian crime in Ireland ; and I had also before my mind the exterminators who came in after we had succeeded, and who used the state of peace and harmony which we were striving to induce, in order to exterminate millions of the people. (Cheers.) When I spoke I had this matter before my mind, and I confess here before you to-day that the expressions I made use of were liable to misinterpretation, for I say, gentlemen, that if landlords—that I never would again do what I had done in the past, and I was unhappy in stating that if landlords were shot down like partridges in September, I should not interfere to save them. (Cheers.) Well, now, gentlemen, that was a strong statement, and it was a wrong statement, for it would be the duty of me and of every other good citizen, in case the people were to turn round in an inhuman or a merciless way for to exterminate or shoot down landlords, and I say my expressions were open to that interpretation, I say it would be an inhuman and unmanly thing for either me or anybody else to stand up and allow such acts to be committed. But, gentlemen, my interpretation of it was this. I said I had in my mind the idea of the exterminator, who is inhuman to apparently thousands of people on the one hand, and I had also in my mind the poor victim here striving to defend himself against that exterminator, and I said myself that I would not tie down the hands of the one and allow the other to do his work of extermination and crime (loud cheers), and perhaps I should not, I know I should not have used the expressions I did use, because an excited people, perhaps a people labouring under grievous oppression may misinterpret what I say, and I take this opportunity to tell you now, my friends, that honestly in my mind, I believe that the crime of murder, if attached to our cause, would bring the wrath of God down upon it. I think that is as honest and as fair a recantation, if recantation were required, as it is possible for a man to make with reference to agrarian crimes. Now, gentlemen, having gone so far, I shall turn round and address myself to the subject matter for which this meeting has been called together.”

I do not see that you refer to it again. Now I will ask you as to this statement; you will follow these words:

“ I said I had in my mind the idea of the exterminator, who is inhuman to apparently thousands of people on the one hand, and I had also in my mind the poor victim here striving to defend himself against that exterminator; and I said myself that I would not tie down the hands of the one and allow the other to do his work of extermination.”

What do you mean by that; let me put a question to you; when you say you would not tie down the hands of the one, what do you mean, tie down his hands from doing what?—Well, my Lord, I would not tie down his hands, I would not impress upon him that he was committing a crime when he was defending his home and his family. In this terrible land war, my Lord, there are monsters on both sides; tenants, or the people who pretend to be friends of the tenants, who do acts of the most heinous character. On the other hand there are landlords without the slightest regard for human life, or human suffering, who exterminate thousands of people, having the law on their side, and really the landlord being the aggressor he is the more blameable, that is the view I take of it, my Lord, and I will say, I wish to be very candid in this matter. I should not have touched upon this speech at all. You can never draw the line when once you give any latitude to the peasantry in committing agrarian crime. It is hard to know how far to go, but I am the son of a tenant farmer myself, and as I told your Lordship, my father improved his place. Now, I may take my own case (if it is pleasing to your Lordship). Supposing after my father had expended 500*l.* or 600*l.* on his place, that landlord came to me, and said, as he could have done if he had been a bad man. “ You must go out of this, I demand this farm, it is mine.” Well, it was his farm according to law, but according to equity my interest was very large in the farm. Still, if he did so, I would walk out of the door without committing any damage against the man. But if I, with my large family, had nothing to depend upon but that farm, and if nothing remained for me only to go into the workhouse and be separated from my wife and children, to rot there with the ban of paupers upon us, certainly I think, if I know myself, I would resist my eviction; I would stand at my cabin door, and as



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

far as I could go, I would defend my home and my family. This is the extreme condition that I was alluding to at the time I made use of those expressions. A man is very often in a very difficult position in public movements.

95,128. Of course I am listening to all you say with great attention; when you say defend your home, and so forth, you had commenced your observations about shooting down landlords?—Yes, I would take my gun in my hand, and if every landlord in the land came in one after another and came to turn me and my family out of my house I would shoot them all down.

95,129. I will not pursue that speech further?—If I were able to.

95,130. You told me just now that a period came when, in your view, it would be dangerous to denounce persons. I pass over some speeches, and I come now to the speech of the 21st May 1881. You were speaking there, at Kilmore, in the county of Galway. You say this:—

“ When I came here to-day I was told by the Reverend Chairman not to  
“ indulge in personalities, that is, not to mention any names. But there are a  
“ good many landlords in this locality that I would like to speak about. But,  
“ my friends, before I conclude I would like to remind you to beware of the land-  
“ grabber; and I am told there is one in this district, named Kennedy. That  
“ vile wretch! keep away from him, for his very breath is contaminated? he is a  
“ disgrace not only to this locality but to all Ireland. I am told this wretch has  
“ six of the Royal Irish Constabulary guarding him every day. They march up  
“ and down with the plough as they tear up the poor widow woman's land. I am  
“ not enamoured with the Constabulary, but still they are a respectable body of  
“ men in general, but when they are sent to do the dirty work, and when they are  
“ employed guarding such a wretch as this Kennedy, they will soon become as  
“ contaminated as himself and the Government who sent them, they are just as  
“ bad. So keep away from this Kennedy as if he was a demon from Hell, and  
“ everyone belonging to him for generations to come? ”—

I do not think I used that expression; I do not think I did.

95,131. Mr. Harris. I am asking what you say about these speeches?—That particular word I did not use.

95,132. Which word?—“ Demon from Hell,” I never used such an expression, at least as far as my memory serves. I state it absolutely.

95,133. I do not know whether you were consulted before these speeches were read; there were persons summoned to give proof of them?—It was the report of an ordinary constable. It was an impromptu meeting as I was passing through the town, and I made an impromptu speech, and the constable took down what I said. The only correct report given of my speeches, my Lords, are these reports taken by Gurney's men; all these reports by constables are mere hotch-potch, nothing correct at all.

95,134. In relation to this speech, and what Mr. Harris has said, this speech is proved at page 2810 by the witness Stephen Connelly.

(*The President.*) Who was he?

(*Sir H. James.*) Stephen Connelly, sworn: And examined at 2810.

(*The President.*) What was he.

(*Sir H. James.*) He was sub-constable and he states he did not take it down in shorthand at the time but he took it down from memory 15 minutes after the speech was delivered.

(*The President.*) I remember his account of this.

(*Sir H. James.*) And I used the words myself I see “ We may take it according to  
“ what it is worth. This is perfectly correct ” and he said “ it is perfectly correct ”?  
—With reference to Kennedy himself I know I used strong language towards him.

(*The President.*) You take exception to the expression as if he was a demon from Hell?—Yes, I leave that out.

95,135. Subject to that correction it is accurate?—I rather think the rest is correct, they express my sentiments. Kennedy was the very worst type of man not alone of grabber, but of man. He bribed agents, and he went from the Land League to the landlord; from the priest to the bailiff; and he was going on in this way; he robbed the landlord, and he robbed the Land League; and he robbed the widow Dempsey. He is one of those frightful characters you meet sometimes, my Lord, among the peasantry of Ireland, and I could not say anything against the man at all, that would exaggerate his bad qualities.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,136. According to your view of him you might have said this?—I might, but I did not use that expression.

(*The President.*) We will take it so.

95,137. (*Sir H. James.*) This man Kennedy had taken the land that the widow woman of the name of Dempsey had?—A poor woman of the name of Dempsey, who was sleeping under the ditch herself with her children.

95,138. Then going on I see we get—

“ When I say it would be dangerous to mention people by names we have got him to mention ”?—

There was no fear of him; he was associated with all the ruffians of the country. There was a far worse probability of his shooting others than his being shot himself, and he gave them drink and money; he knew them too well to be harmed by them.

95,139. Then the 3rd April 1881 you spoke at Clifden, County Galway. Here you have got somebody in your mind of the name of Robinson, and you say—

“ There were a lot of decrees taken out yesterday by a man named Robinson; but he (Harris) forgot to bring with him to read for the people a portion of the evidence given by this Robinson before the Land Commission. When one of the Commissioners asked him, could not a peasant proprietary be easily established in Connemara? He replied, would you establish a vermin proprietary? He, Robinson, was now protected by police, but when they allowed him to go about amongst them without police protection they were no better than vermin. Let it not be said that he wanted anyone to shoot this Robinson; no, there were many ways for dealing with him. We read that in China there are persons who are fond of the flesh of fat dogs, and there are dog-butchers. And when these dog-butchers go on the streets all the dogs in the place follow them, howling after them. And Robinson could be dealt with similarly; when he went amongst the people every man, woman, and child should follow after him and howl at him, this human monster. They (the people) had a magistracy whose sympathies were entirely with the landlords, with whom they seemed to be in alliance to crush the people; and, as far as he was aware, there were not three Catholic magistrates in the whole district ”?—

So far as my memory goes, that is the expression Robinson made use of. I will take it from the report of the Besborough Commission. I will give it to you. This was in answer to a question as to peasantry proprietary when the question of peasant proprietary was put before him, he said, “ No, some of them would be like vermin on the face of the land.” It is the man’s own expression I quoted, and a worse agent never existed than Robinson. I knew these poor peasantry when they were under Martin of Ballivahugh 46 years ago, and other landlords that came then. Every form of oppression has been put upon those poor peasants in Connemara. Their food on the mountain has been taken from them; their turbary on the mountain has been taken which they used to get—thousand of acres of turbary; their seaweed on the seashore has been taken from them; their fuel and all their means of trying to live in this wild barren country—every one of these powers have been limited by this man Robinson, and his action and persecution in Connemara, caused more evil than that of any other agent I am acquainted with in Ireland. I spoke so strong about the man, but I made special reference to his own statement calling the peasantry vermin.

95,140. Having proceeded in the same speech to name the person you say, so far as the evictions were concerned—

“ He would now tell tell them what the Land League would do for them, if any man was obliged to resist his landlord at law. The Land League would pay all the expenses for him except the original debt, so that he would be no worse off when the law was over than when it commenced. And when the sheriff comes, if the tenant was able to resist no further, he should get some friend who would buy his goods for him. But the resistance should be given in a legal and constitutional way.”

Did you then use the Irish phrase, do you understand?—I used the word Dhig-on-thue, I have not a knowledge of Irish, I am ashamed to say I do not know the language of my country, and the meaning I attributed to it was simply humbug, nonsense, something of that.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,141. I am told this means "do you understand"?—I understand that is the real meaning of it; but at that time I did not know the real meaning of the word. It is a common phrase that everybody has in his mouth in Ireland.

95,142. I am told it is so common, Dhig-in-thue it means "do not you comprehend," "do not you understand"?—The word is known, the meaning of the word is not known, except to Irish people, however, I am willing to accept any Irish interpretation upon it. I say when speaking about constitution and the law in Ireland, it has been so often abolished and superceded.

95,143. I am now on the speech of the 7th April 1881, at Caruagh, you said this?—

"You have a bad landlord in this locality or landlady, Mrs. Forbes, I mean

"I believe she wears the breeches, and Mrs. Blake of Renoyle, she is no better than a she devil."

I did not use the expression in that way at all. I remember having used the words "she devil," and I regretted it very much, but I put it in the conditional tense. I said if what had been said of Mrs. Blake was true, she was little better than a she devil.

95,144. What were you told?—If the statements made to me about Mrs. Blake were true.

95,145. If the statement made to you about Mrs. Blake were true, she was little better than a she devil. That is the 7th April 1881?—Yes, I may say this meeting was simply an impromptu meeting. There were Irish people in it, I do not suppose 20 of them understood the English language. It was some 20 or 30 miles from where she was, 30 miles away from Renoyle where Mrs. Blake did live. But that does not take away the grossness of the expression. I do not want to minimise its improper propriety at all.

95,146. The language you used was so expressive, do you not think it was understood?—They did not understand the English language. They were Irish speaking people, except some 20 or 30.

95,147. They would understand the proper name "Mrs. Blake," and understand the word "Devil," probably?—I do not think they would. "Dhioul" is the name they use for devil.

95,148. At this time in April, was the time you were arrested under Mr. Forster's Act?—That was immediately before my arrest.

95,149. Therefore we lose sight of you, of course. Shortly after your arrest the Crimes Act came into operation. That would be May or June 1882?—Yes.

95,150. We have to pass over some time, and I now come to further denunciations in a speech made at Kilkerrin, on the 12th of April 1885. I see again you are mentioned by name:—

"A great deal had been said there to-day about land-grabbers, and he had heard about a land-grabbing convenient to Moylough. Those men knew that they could not mention their names, but they were well-known by the public, and in other districts, as well as Moylough, they were known as land-grabbers. He would not dwell very much upon land-grabbers to-day, but he would give them one aspect of it. He considered the men who would not come forward and join the National League not much better. There was not a single day but some fellow went to him in Ballinasloe, whining and asking him, 'Will you do something for me with the League.' While he expected every person to do something for him, he would not move either hand or foot to do anything for himself. It was their own fault that they had land-grabbers amongst them. If they had said 'I will stand upon the great broad principle of democracy. I will love my brother, I will love my enemy, who is my neighbour, as I love myself.' Land-grabbers, peelers, magistrates, and all the other various agencies brought together could not break them down."

What did you mean, speaking now, in 1875 by saying that men knew that you could not mention the names of these land-grabbers?—Well, I meant of course that I did not want to involve myself in any legal difficulties, though at the time indeed I felt that there was no fear of those people.

95,151. That is your meaning?—Yes, that is a very bad report of my speech. I am not sure that I ever used that language, but I do not want to contradict it now. I do not recollect it.

95,152. When speaking in 1885 you were aware were you not, that there had been some murders in the neighbourhood of Loughrea?—Yes. That was at the other end of the county, Loughrea is in the south, and that is in the north.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,153. You do not quite follow me. You knew there had been some murders and bad murders in the neighbourhood of Loughrea?—Yes, I did, very regrettable murders.

95,154–5. You say there had been some murders in Loughrea. On September 10th you spoke at Loughrea, and what you say is this:—

“In all Ireland there is not to be found a more patriotic, a more energetic, a better people than in Loughrea and the surrounding neighbourhood. In fact they are so inclined for the work that in these later days when things are become somewhat cooled down, it has been said the men of Loughrea are very little good in the calm, but the very best in the storm. Well, for my part, I hope it won’t be long until we have another storm, and then the men of Loughrea will come forward in the future as they have in the glorious days of the Land League.”

What did you mean by that?—I meant the earlier days of the Land League. That was after the Land League was suppressed, or about the time it was suppressed, that Loughrea became so very infested with crime. Loughrea was the most forward town. We had the best men there for working out the organisation, the most energetic in all our processions and all our movements in the county of Galway. Loughrea men were the strongest and bravest and most patriotic we had in the county. But I did not at all allude to murder, and I may say now in passing, that I never had a meeting of a committee; I never was in any relationship with those persons where I thought there would be someone who would be in touch with the peasantry who would be likely to commit crime, that I did not warn them against it. I have not been spouting on platforms against crime, because the people do not regard such statements. They think you are addressing the police; but in an effective way, where you happen to meet persons, as I say, who I thought were in touch, or perhaps might be in touch, with criminals, I was always careful to denounce crime. I knew it would be destructive to the public movement, and I disliked it in itself.

95,156. May I take it from you that denunciations of crime upon the platform would not have much effect, because the people would think you would be addressing the police?—I think so. The police themselves and the landlords were interpreted. If I said “Do not nail his ears to the post,” then the people would say, “He is talking to the police, that is all gammon.”

95,157. I suppose private influence could do much more, or I suppose the resolutions of the Land League would do much more?—Resolutions have no effect upon the people. They never care about them at all. Talking to the people as you go through them is the way. The reports of what you say permeate through them all. If you meet a few men in Ballinasloe, or Loughrea, if an agrarian crime takes place, it is far more efficacious than any public denunciations of crime.

95,158. And I suppose if you showed your detestation practically—if you were to assist in the detection, or arrest of a criminal, that would show your detestation of crime very much?—If you assist in the smallest degree in the detection of a criminal connected with this agrarian crime you would cease there and then to have the slightest public influence in Ireland. If Mr. Parnell were to give information of the humblest peasant in the county of Galway, he would cease to be a leader of the Irish people on the spot. There is something between an Irish leader and the people similar to that which is between a lawyer and his client. There is a sort of general moral sentiment that it would be a base or a bad thing to break confidence even with a criminal: supposing the man who gave you the information to be a political enemy. This has arisen out of the unhappy state of the country, but such is the case.

95,159. I leave that where it is. I am satisfied. You have spoken of the early days of the Land League. You were in Galway I think in custody under Mr. Forster’s Act?—Yes.

95,160. From April 1881 to February 1882: but when you speak of 1885, were you aware that there had been on the 9th of May 1881, within four miles of Loughrea, the murder of the Connors, that within five miles of Loughrea Dempsey had been murdered on the 27th of May 1881, that seven miles from Loughrea Doherty had been murdered on the 3rd of November 1881; that at Loughrea, Linton had been murdered on the 24th of July 1881, that Blake and Rouané had been murdered at Kilcurra on the 29th of May 1882, and at Castle, Taylor, Burke, and Wallace had been murdered on the 8th of June 1882. I am giving you those as the Loughrea district. Let me again refer you to this speech. You say here:—



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

“In all Ireland there is not to be found a more patriotic, a more energetic, a better people than in Loughrea and the surrounding neighbourhood. In fact, they are so inclined for the work, that in these latter days, when things are becoming somewhat cooled down, it has been said the men of Loughrea are very little good in the calm, but the very best in the storm. Well, for my part, I hope it won't be long until we have another storm.”

First tell me, was there any other portion of Galway where you had had so many murders as you had had in this district of Loughrea in the early days of the Land League in the time I refer to?—There was no other portion of Galway, and I knew of all those murders you speak of, but I also knew that there was hardly a probability of the resumption of these murders.

95,161. But let me point out to you, you are speaking of the people themselves, that there are no more patriotic, energetic, or better people than in Loughrea?—Well, I have fully explained that before.

95,162. That is the explanation you have to give?—Yes, I alluded to the political movement, not to these cruel murders.

95,163. Did you in this speech make any reference by way of condemnation when praising the people of Loughrea for this, let me call it, the episode in their conduct, if it be such, in committing these murders?—I asked Mr. Dillon the solicitor to subpoena a man here to give evidence, as I can give it now, that on that occasion, or on some other occasion at the period you speak of, in a speech of mine, I told the people at Loughrea that agrarian outrage was incompatible with political movement, that either one or the other should be given up; that if they did not give up outrage we should have to give up the political movement. That is the way I put it to the people.

95,164. Was that in public?—That was in public.

95,165. Where was it?—It was in the town of Loughrea. I wanted to have a man subpoenaed, who might have had the report of it. He was the reporter.

95,166. I bear in mind what you said just now, and that if you spoke on a public platform of such denunciations, the people would think you were talking to the police?—Yes, that was an exception. It was after coming out of prison, and these dreadful murders had taken place. I do not now remember what I said in Clifton, and in Loughlinn, and in Galway. I spoke about the practice. I found it necessary upon that occasion to mention what I saw, and I did mention it.

95,167. I must go back to refer to a speech that you made, not in relation to what you are talking about. The Attorney-General mentioned it in his opening speech. It has not been proved. We have a speech which appears in the “Connaught Telegraph” of October 16th, 1880, and lest it should be said that what was opened is not proved I will ask you; I believe you did make a speech, at a place called Ballyhannis, County Mayo. Mr. Harris said, [p. 23]:—

“That the liberty and independence of their country was to be gained by fighting, not by talking. No people ever gained liberty in a permanent and substantial form without fighting and dying for that liberty.”

That speech was made on the 10th of October 1880. May I take it that those words, or similar words, were used by you?—I used those words, but I may explain, the advanced Nationalists in Mayo were strongly against the League. There were a number of them in that locality, and just as I was about to speak they brought a resolution to me embodying those sentiments, and asked me would I propose the resolution. If I had refused to propose the resolution we would have had a violent rupture, or break up of the meeting perhaps, but I made it a point never to allude to physical force from the public platforms, and I do not think I did it except on this one occasion, and under the pressure I name. At the same time those sentiments were mine, but they are sentiments that I never have propounded on a public platform except on that occasion. I think if people wish to be free they should fight for their freedom.

95,168. I have only one other speech to refer to, Mr. Harris. It is a speech apparently made at Woodford, Galway, December 10th, 1886. I see you say this, you are speaking apparently about proceedings that were taking place by the landlords against the tenants. You say this:—

“Until they show themselves worthy of the great Irish nation of which they are citizens, until they show themselves worthy of the great cause they are



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ involved in, until they despise jails, lawyers, and writs, and they whole pack of  
 “ them, until you condemn and despise and spit upon the whole filthy crew you never  
 “ will succeed in this great conquest. A man came to me the other day with his eyes  
 “ starting out of his head, ‘ Oh, Sir,’ said he, ‘ I got a writ this morning.’ ‘ Why  
 “ damn you,’ said I, ‘ one would think you were going to be hanged.’ I could not  
 “ restrain my indignation. We are involved in a terrible fight, and the fellow  
 “ that won’t stand up like a man and fight the battle of his country against  
 “ these wretches had better stand aside at once, and instead of the green cards  
 “ I see upon your hats, the time will come when a white card will be put upon  
 “ his hat, on which will be printed the words, ‘ Coward and renegade to the Irish  
 “ cause.’ An Irish army was beaten on the plains of Arghrim. Well, if they  
 “ had not been beaten, there would not be a soldier on that field but would have  
 “ died in the natural order of things—there was not a man living at the time  
 “ that battle was fought that would not have been dead a few years after at all  
 “ events. They may be beaten; the battle may be lost; it has only been a speck  
 “ in the history of the nation. Men may be beaten, men may live, and men die,  
 “ but the nation never dies.”

Were those the words that you recall to your memory?—Well, I rather think I said those words at Arghrim, a celebrated battle ground, and the scene and the occasion somehow made me go a little beyond my usual language.

95,168. There is one matter more only I have to ask you, I think. I want to call your attention to a document that was found amongst your papers; it is set out at page 1943. There was a murder committed when you were under arrest under Mr. Forster’s Act, on the 12th May 1881; it was the murder, I think, of a person named Connors?—Yes.

95,169. That was when you were in prison. We have a letter which seems to be a draft letter to the editor of the “ Irishman.” It commences:—

“ On my travelling from Loughrea to Killanoff on Monday last, making  
 “ inquiries along the coast, I was informed of nothing but starvation.”

Do you recollect that letter?—I have read that letter. I got it among copies of documents. I am quite certain that I never wrote such a letter at all; it is not my style of writing. I would not write such a letter. It is a letter that got in amongst my papers. It may have been written by somebody else, but I never did write such a letter. I acknowledged it at the time amongst the other documents, because I did not see that anything serious was in it; but upon reading the letter over, and recollecting it, I have no recollection of Connors’ murder, or where he lived. It was one of the things that escaped me, being in gaol; but I never wrote a line of that letter, as far as I know.

(The President.) Have you got the original.

(Sir H. James.) No, not the very original.

(The President.) That was returned?

(Sir H. James.) Yes, it was; Mr. Harris had it; we have referred to it so often.

(The President.) But I did not know whether it had been returned.

(Sir H. James.) Mr. Harris has it, and he makes no secret of it; he thought there was no importance attached to a document of this kind at the time.

(The President.) I asked, because there are certain errors in it.

(Sir H. James.) Those are errors in the copy.

(The Witness.) This is the only document of all of them that I am almost absolutely certain I never wrote.

95,170. (Sir H. James.) I understand Mr. Harris rather confirms that; he says there had been an admission made him at one time that that letter was his?—Yes, I was consulted whether I would give my consent, to save a great deal of trouble in proving in the Court. I looked over all the documents, and I accepted all the documents as being genuine—as being mine; but on reading them more carefully over afterwards, this document that you speak of I say now never was written by me, because I have no knowledge of any of the facts even.

95,171. I was going to ask you just to test that; I find the inquiry in relation to this matter did not take place until long after the date of the murder; the inquiry seems to have taken place in January 1883, so that although you were not at large when the murder occurred, when the inquiry took place you were—

(The President.) I should judge from my experience now, of Mr. Harris’s style, that this was not his. There are consistent errors of a very glaring description. It is con-



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

ceivable that it might be intended, by whoever wrote it, as an imitation of the style of some country person.

(*Sir H. James.*) Or it may be, possibly, that some person was sent out and made a sort of report.

(*The President.*) Yes, it might be in that way.

95,172. (*Sir H. James.*) I do not wish unnecessarily to come into contact with Mr. Harris's statement, if he makes it. This document somehow or other was found among your papers?—Yes, I believe so. I am almost certain it was, because the documents that were returned to me were all mine, and I do not think they would make an exception by putting in this one.

95,173. Can you give us an explanation how it came amongst your papers?—Not the slightest; they seized all my invoices and everything, and my house was a house of resort, there were so many letters and documents and friends and fellows coming backwards and forwards, there is no knowing what might be in it.

95,174. Do you say that you did not see at any time three cars of the Irish Constabulary under the command of Inspector Bell?—No, I did not know Bell at all.

95,175. And a person who was called Handsome Paddy Hughes?—No, it is all a pure fiction so far as I am concerned.

95,176. When you say fiction, someone may have done these things?—Somebody may have done them.

95,177. Did you never see this woman Mrs. Connors on a car pointing out?—Never. I did not know the woman at all; I had hardly heard of her.

95,178. And I suppose you never looked on from a place of concealment?—Indeed I did not. Concealment? I am not a man to conceal myself.

95,179. If you state that I shall not ask you further about that; if you tell me your memory is entirely a blank, how that document got into your possession, it is useless my repeating the question to you; but do I understand that that is so, that your memory is a perfect blank?—Quite so, there might be a dozen similar documents in my possession without my knowledge. I was greatly surprised the Government did not discover some more serious documents than they did in my possession, for every fool writes to me, and there is no knowing what they put in their letters. My correspondence with the people is extensive, and they make "their own of me," as the saying is, and they write about all sorts of grievances, and this, that, and the other.

(*Sir H. James.*) I do not pursue this subject further. We have nothing but the document and the facts to be proved.

(*The President.*) I see the Attorney-General said that he was not in a position to prove that it was in Mr. Harris' handwriting.

(*Sir H. James.*) I think so, my Lord, the original not now being in existence, we have no means of showing anything further about it. I understand Mr. Harris desires, and not unnaturally, to make a statement with reference to some things that were stated. Perhaps your Lordships would allow me afterwards, if anything should arise, to ask a question.

(*The President.*) Yes.

(*The Witness.*) I would be very glad if you would. There are three letters here.

(*The President.*) First of all, Mr. Harris, have you got the pamphlet?

(*Mr. G. Lewis.*) I have the pamphlet.

(*The Witness.*) In relation to that 50*l.* which was spoken about, there are three letters of Mr. Parnell's here, my Lord, which I would like to put in evidence. Shall I read them?

(*The President.*) Yes, if they relate to this.

(*The Witness, reading.*)

" House of Commons,

" London, March 17th, 1883.

" Mr. Harris,

" Ballinasloe,

" MY DEAR SIR,

" IN answer to your letters, I beg to enclose cheque for 50*l.* for the defence of the prisoners in question. Do not enter into any further liabilities of the same kind in future.

" I am,

" Yours very truly,

" CHAS. S. PARNELL."



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

That is the answer I got. These are my letters to him :—

“ Ballinasloe, March 8th, 1883.

“ C. S. Parnell, Esq.

“ SIR,

“ THE Ladies L. League when it was dissolved left some debts unpaid and arrangements incomplete in this part of the country. Application has been made to me and law proceedings threatened. Therefore I request that you will have forwarded to Miss Stritch fifty pounds in order to avoid further expenses in the shape of law costs. Knowing the great labour and worry you are going through, it is with great regret indeed I trouble you about these matters, but it cannot be avoided.

“ Your obedient servant,

“ M. HARRIS.”

“ Ballinasloe, March 13th.

“ C. S. Parnell, Esq.

“ SIR,

“ I WROTE last week requesting that you would send 50l. to Miss Stritch. It is of the utmost importance that this money should reach here in a day or two. In any case it has to be paid by me and if not given now it will be lost so far as the purposes for which it was originally intended, namely, the defence of prisoners at the Galway assizes, which will be held on the 19th inst. I know you will blame me for entering into any such arrangement, but the defence was taken up by the Ladies League and the solicitor they engaged withdrew from the case. I was appealed to on the eve of the assizes of Sligo. Sooner than see men, some of whom I believed to be innocent, left undefended, I agreed to give this money. Please forward it to Miss Stritch or to myself.

“ Your obedt. servt.,

“ M. HARRIS.”

That was written by me to Mr. Parnell for this 50l. Mr. Parnell did not know the object for which this 50l. was, further than that it was to be used in the defence of prisoners. Those prisoners you alluded to—Cormican—were collecting money for themselves, but of course the lawyer would not take their word for the money and I guaranteed him 50l., but when I did so I knew that a portion of that 50l. would have to be used for other prisoners in Galway. Then with reference to the evidence of Delaney. Delaney, the informer and Invisible, said that I attended a meeting of centres in Dollymount. I never attended, any such meeting. I was never at a meeting of Dublin centres in my lifetime. I attended a meeting of the Supreme Council in Dublin, but never a meeting of centres. He also swore that I swore in Curley and that I knew Carey. I never knew either Curley or Carey at all. I must have known Curley so far as his appearance was concerned, but I never knew him by name. He was from my locality, and therefore I am sure I must have known his personal appearance, but I never met him in Dublin. I never met him in connexion with Fenianism, and as for swearing him in, there was a rule which forbade members of the Supreme Council from swearing in anybody. I never met Carey. Of course, when I say I never met the man, I may have met him accidentally, and if I had met him, I would not have the slightest objection to meet him, for he was a man in very good repute in Dublin and a member of the Corporation; but it so happens I never did meet him. Delaney swore wrong in both those cases.

Then in reference to Dunn, he swore I did meet Dunn. Well, really, Dunn came to Ballinasloe collecting for Mr. Butt's testimonial, and I met Dunn in Ballinasloe. My leaving the Supreme Council of the Fenian movement or Irish Republican Brotherhood, or owing to a resolution having been passed by the Supreme Council in the summer of 1880 which prohibited any man belonging to the organisation, above an ordinary rank and file man, from connecting himself with the Land League. It was the resolution which severed the Land League from the Revolutionary movement. Then, of course, I had to resign on principle, because I would not allow my liberty to be interfered with, or my right to serve the country. With reference to Sheridan, I wish to remark that I take the statement of the Counsel with reference to Sheridan's speech for granted, but from my own knowledge I can swear that I never knew Sheridan to



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

have any connexion whatever with Invincibles or with outrage or murder of any sort. Now there are speeches—those documents of mine, my Lord. They were the scattered memoranda in various forms, very many of them unpagged. They are put in in a heterogeneous way in this printed report. I got out a good many reports of my speeches. The first speech I got out was a speech I delivered in June 1876. It gives my ideas of how the Land League should be worked at the time and the principles upon which it should rest. There are also letters of mine to Mr. Kickham, and there is especially a speech I made on the evening after the Irishtown meeting—on that evening at the banquet—which also gives my sentiments. Your Lordship can take those documents in if you desire it, or you can leave them out.

95,180. (*The President.*) I do not know the exact point to which you wish to direct my attention. I should feel obliged if you would call attention to such passages as you wish particularly to impress upon our minds. Will you be good enough to do so either by marking or in some other way?—I can hardly do it now; but I will bring those with me, or do so and send them to your Lordship. With reference to my strong national sentiments, I may say that, although I am a strong Irish Nationalist, I have no feeling against England or Englishmen, except as the oppressors of the country. In 1848, my Lord, I was involved in the great Chartist movement in this country, and I was in Kennington Common at that great meeting where Fergus O'Connor presided, and I myself say that on that occasion I was anxious to promote the liberties of the English people as if they were my own people; and I would say further, my Lord, that so far as the British Empire is concerned, there is nothing I object to in the British Empire that I would not object to if it were an Irish Empire; and I would like, while as I say I believe every feeling, and passion, and prejudice of the people should be brought to bear against oppression, coming from a class or coming from a nation, and that I would do my best to rouse up this feeling in my countrymen as against England as the oppressor of the country, still I have no international feeling of hatred, and I look upon it as a very stupid thing for a man to dislike a nation, or to dislike individuals because they belong to that nation, except in the relationship that I have explained; and further, my Lords, with reference to my national sentiments I ask to read these expressions of opinion. They are only very short—two extracts I took from the “Times.” This is from the “Times” on April 1st, 1848, on this question of nationality.

95,181. (*The President.*) It is going a long way back?—It is. Well, my being in the 1848 movement, my memory serves me that at that time the “Times” was favourable to separation, which I may say I am being tried for here to-day:—

“There is a power greater than that of force; an armoury more rich and strong than that which equips the pagod sway of horse, foot, and dragoons; a majesty more lofty than the sceptred rule of viceroys or of kings. The human heart, the human reason, feeling born of impulse and strengthened by reflection. These are the elements without whose aid no material power can long govern mankind, and against which all efforts, material and physical, fall in puny helplessness to the ground. These inspire weakness with energy, and raise up helots from degradation. These kindle that flame of sympathy which lights prostrate nations to liberty and gives generous freedom to the slave.”

It was in alluding to Ireland that was written. This is another short extract I will ask your Lordship to read also.

95,182. (*The President.*) Where do you say this comes from?—It is from the “Times” of April 1st, 1848.

95,183. That was the first. What is this?—This is from the “Times” of April 26th, 1848. During the month of April 1848 the “Times” wrote several articles advocating separation between England and Ireland.

95,184. (*The President.*) I will not prevent your reading it, but I will remind you, Mr. Harris, that what the “Times” thought in 1848 has nothing to do with what we are to think now?—

“There is a political question in which the English people are at present peculiarly interested. That question is, shall we retain Ireland? The answer to this question must be determined by the conscience, the knowledge, the foresight of our wisest and greatest men, not by vague sentiment or hasty



1 July 1889.]

MATTHEW HARRIS.

[Continued.]

“ passion. The claims of duty and self preservation can hardly be antagonistic.  
 “ That which is the most honourable must naturally be the safest course. At all  
 “ events, let this be borne in mind. If we repeal the political, we must also  
 “ repeal the social union of the two countries, and become really, essentially,  
 “ totally distinct and separate nations.”

Well, I never went in my advocacy of Irish Nationality as far as that statement of the “Times,” my Lord, because I think certainly between the nations any ordinary commercial intercourse should be preserved. If Englishmen have the right at any time they like to express an opinion that it is right to separate England from Ireland, I rather think an Irishman ought to have an equal privilege if he desires Ireland should be separated from England. I have nothing more to say.

95,185. (*Sir H. James.*) There is a matter of fact only. I have nothing else which I wish to obtain from Mr. Harris. You put in a letter from Mr. Parnell, of which I think the date is March 13th. You said March 10th. It is a material date to us on account of the bank account being opened. It is, as I read it, March 13th?—I dare say you are right.

95,186. It think it is agreed?—I made a mistake, I suppose.

95,187. There was no account on March 10th; Mr. Parnell had one of the 13th. It is but right we should have the right date?—It seems to be confused. I think it is the 13th.

95,188. It is something between 3 and 7. It is either the 13th or the 17th. The point is, it is later than the 10th. Mr. Parnell had no account on the 10th. He had one on the 13th or 17th. Whether it is the 13th or 17th, it is the same. It is in justice to Mr. Parnell I say that. I see you wrote these two letters of March 8th and 13th, 1883, to Mr. Parnell, and so far as you know, they would be received in due course by Mr. Parnell?—Yes.

95,189. And the originals would probably be with him?—Yes, I got them from Mr. Campbell to-day.

95,190. (*Sir H. James.*) That question may not appear without force. What I am pointing out is this. We have had access to Mr. Parnell's letters. I will not anticipate what is to be said about them, but no letter of that kind will be found amongst those which have been submitted to us. I beg your pardon, are those the originals?—Those are the originals; that is my handwriting.

95,191. It would be your handwriting, but from whom did you obtain them?—I got them from Mr. Campbell this morning.

95,192. Mr. Henry Campbell, the gentleman we have been speaking of?—Yes.

95,193. Mr. Parnell's secretary?—Yes.

95,194. Did you ask Mr. Campbell to give you those particular letters, or did you ask him to give you any letters you had written to Mr. Parnell?—I was speaking about the letters in this business, and he said he had the letters and he would give them to me, and I said I thought I should like them, and he did so.

95,195. (*The President.*) Do you mean letters relating to this business of the 50l.?—Yes.

95,196. Or was it more general?—I think it was Mr. Parnell's wish he should give me those letters to put in evidence, as they were mentioned.

95,197. (*Sir H. James.*) Did Mr. Campbell tell you, Mr. Harris, whether these letters had been obtained from the letters that were deposited some weeks ago in Court, or whether they had been produced by him from what he still had?—He did not, indeed. Mr. Parnell, in giving evidence, stated that he had these letters.

95,198. That is not the point. I should be very sorry if there is any injustice being done to anyone. There may be a misunderstanding upon this point, and I should be sorry to put the complexion upon it which is in my mind if it is not correct. Did you learn from Mr. Campbell whether he had gone to the mass of letters contained in the box and obtained these letters, or produced letters he still had in his own private possession?—No, I did not ascertain anything about it. The thing coming up in Mr. Parnell's evidence, I took it to be a matter of course. He said nothing about it. He only gave me the letters.

95,199. What did you do with the letters Mr. Parnell wrote to you?—Oh, I do not know, I am sure. You know a man like me destroys a great many letters. I destroy impertinent letters. If I did not destroy letters the house would be full of them.



17 July 1889.]

MATTHEW HARRIS.

[Continued.]

95,200. (*The President.*) Where was this particular letter you produced?—Mr. Parnell had a copy of it in shorthand, and the shorthand is written on one of those letters of mine. The shorthand answer is written by Mr. Campbell on one of the letters that I gave there.

95,201. (*Mr. G. Lewis.*) That is the shorthand answer on the back?—It is a shorthand draft.

(*Sir H. James.*) That is Mr. Parnell's letter to him, your Lordship sees, which, I presume, would be probably the draft.

95,202. (*The President.*) I do not see it in shorthand?—If your Lordship look there you will see there are some shorthand notes. I saw them.

(*The President.*) I see now.

(*Sir H. James.*) Will your Lordship allow me to see that letter for a moment?

95,203. (*The President.*) But still there is a letter in typewriting. That was written addressed to you?—I am not sure I got that letter. I think it is a letter they wrote themselves from the shorthand note that is there.

95,204. No doubt, but I am asking this; that reached you, I suppose?—Well, the copy of it did.

95,205. (*Sir H. James.*) Do let me understand this, if I can. Is this the letter, the very piece of paper, that came to you, or is that what you would call a draft or copy of it?—Well, really I could not be sure.

95,206. Did you get that from Mr. Campbell this morning?—I got it this morning from Mr. Campbell. Whether I may have given it to Mr. Parnell or not—I do not think I did.

95,207. When, if at all?—I do not think I did. I think is merely a copy.

95,208. If it came from Mr. Campbell it would be probably so?—But I remember the letter very well, and it contains in substance what I got from Mr. Parnell.

95,209. Did you see any other letters at the same time from you to Mr. Parnell, when Mr. Campbell gave you these?—Oh, no. I did not want any other letters.

(*Sir H. James.*) My Lord, as I said, I should be very sorry to convey any wrong impression if it was not correct. It all results from our not having Mr. Campbell here. If there are any other letters from Mr. Harris to Mr. Parnell, and any other members of Parliament, of course we should like to see them.

(*The Witness.*) Delaney also mentioned in his evidence, my Lord, that I attended a meeting of the committee of the O'Mahoney funeral. I did not attend any such committee, nor did I attend O'Mahoney's funeral. But I was written to from Dublin and requested to deliver a funeral oration or eulogy over O'Mahoney at his death. I wrote out the oration, but Mr. Kickham took it on himself to deliver an oration, and this oration of mine, or this speech of mine, was among my papers, and they printed it. I merely mention it to contradict Delaney's statement that I attended the O'Mahoney funeral committee. I was not in Dublin at all at the time, and did not attend, and had not any relation except that I wrote out this oration, and threw it aside when I found it was not wanted.

95,210. (*The President.*) You wish those documents left?—I told your Lordship I would note the parts of them I wished to draw attention to.

[Adjourned for a short time.]

(*The President.*) Mrs. Delahunt?

(*Mrs. Delahunt.*) Yes, my Lord.

(*The President.*) Your name was formerly Reynolds?

(*Mrs. Delahunt.*) Yes.

(*The President.*) Do you wish to give evidence?

(*Mrs. Delahunt.*) I wish to make a statement, my Lord.

(*Mr. Delahunt.*) May the husband of the witness be allowed to be examined. I wish to make a short statement. It has reference to her health.

(*The President.*) Husbands are not allowed to represent their wives or wives to represent their husbands in a court of justice. We shall hear whether the lady can speak for herself.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

Mrs. ANNA DELAHUNT SWORN.

(*The Witness.*) I merely wish to state my reason for appearing in the box. The reason is I am told that people say that I am paid for being silent by our own party, and I wish to contradict that statement. In the first place my appearance in the witness-box would not injure the cause. There would be no necessity to bribe me to be silent. I do not think it would be an injury to anyone but myself and my husband.

(*The President.*) If that is the only thing, you need not have troubled yourself to make such a statement as that. It has not reached my ears. Do you wish to make a statement with regard to the evidence that has been given?

(*The Witness.*) I do. I wish to protest against the way the Attorney-General has referred to me, "Anna Reynolds." I am no acquaintance of the Attorney-General's, and I do not understand his calling me by my Christian name: And I think the way Dr. Kenny spoke of me and my first husband was anything but one would expect from any of our men.

(*The President.*) The statement the Attorney-General has made with reference to you is, that you went down somewhere or other with Land League money, and the expenses of what you did in the course of your travels through the country were paid from the Central Office—

(*The Witness.*) And that my footsteps could be tracked by outrage.

(*The President.*) Whose course through the country will be traced by the deeds which followed her footsteps.

(*The Witness.*) Yes, that is all.

(*The President.*) What have you to say upon that?

(*The Witness.*) I have to say upon that subject, instead of outrage following in my footsteps, I followed in the footsteps of outrage—the very worst form of outrage that is committed in the country, and the perpetrators or aiders and abettors were encouraged by the English Government with their soldiers and police and battering rams, to carry out those outrages. It was merely to help those, my Lord, that I went through the country, to help the evicted tenants.

(*The President.*) Do you wish to put any questions?

(*The Attorney-General.*) Yes, my Lord.

Cross-examined by the ATTORNEY-GENERAL.

95,211. I understand your name was Anna Reynolds?—Yes, my name was.

95,212. You subsequently were Mrs. Kenny. Is that correct?—Yes.

95,213. Your present name is Delahunt?—Yes.

95,214. Kindly tell me up to what date, when you were last married. I only want to fix the time when you were Mrs. Kenny?—I think about 14 months.

95,215. That is about a year and a half ago?—Yes.

95,216. Up to the summer of 1888 you were Mrs. Kenny?—1888—this is 1889—Yes.

95,217. You were a member, I think, of the Ladies Land League?—I was.

95,218. When did you join it?—I think a couple of days after Mr. Parnell was arrested.

95,219. Not before that?—No.

95,220. Not before that?—No.

95,221. That would be in 1881?—Yes.

95,222. Had you nothing to do with the Ladies Land League until October 1881?—No, not until then—not until about two days after Mr. Parnell's arrest.

95,223. I must ask you, if you please, was Mrs. Dean the president?—Mrs. Dean? I never heard that.

95,224. Never heard of her?—I heard of her. I never heard of her being president. I do not think so. I could not tell you who was president.

95,225. Mrs. Dillon?—Yes; an aunt of Mr. Dillon. She lives in Ballyhan, I think. She scarcely could be president.

95,226. She was an aunt of Mr. John Dillon's?—Yes, an aunt of Mr. John Dillon.

95,227. Is she still alive?—I have not heard of her death. She lives at Ballehan.

95,228. Which county is that?—Sligo, I think, or Mayo, on the borders of both.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,229. Were Mrs. Moloney and Mrs. O'Leary treasurers?—Well, Mrs. Maloney—I really cannot say. I took no interest whatever in these matters.

95,230. I must put one or two questions to you. When you were a member of the Ladies Land League who were the treasurers, as far as you know?—Mrs. Maloney I always looked upon as treasurer.

95,231. Did you receive money from Mrs. Maloney?—I received expenses from Mrs. Maloney.

95,232. By cheque?—I could not say; it may have been.

95,233. Try and remember?—I took a note of this. I never considered it a matter of importance whether it was by cheque or otherwise.

95,234. Try and think whether from time to time you received your expenses by cheque or not?—I could not be certain of that. I could not be certain of it. I may have received cheques; it is quite possible I did.

95,235. Did you receive any cheques?—It is quite possible I did.

95,236. Do you remember on what occasion?—I really could not tell you. I have no head whatever for business matters—for figures or dates.

95,237. Do you remember what bank?—I could not tell you.

95,238. Miss O'Leary?—I never had any connexion with Miss O'Leary, except to know her as a friend. She is a sister of the late Dr. O'Leary's.

95,239. Was she a treasurer?—I have seen her name.

95,240. I am quoting from Mr. Davitt's statement?—Anything Mr. Davitt said I am sure is quite right.

95,241. I ought in fairness to tell you it is from page 231 of Cashman's book. Where is Miss O'Leary?—I think she lives in Dublin.

95,242. Secretaries, Miss Anna Parnell, Miss Lynch, and Miss Stritch?—Yes, I always looked upon Miss Parnell as the president or the head of the whole League.

95,243. Where is Miss Anna Parnell?—I do not know. She is in Ireland, I think.

95,244. Miss Lynch?—Miss Lynch, I think, is in Spain.

95,245. Miss Stritch?—I do not know. She very likely is in Dublin.

95,246. Were you an organiser?—Well, I suppose I was an organiser.

95,247. Was Mrs. Moore an organiser?—I think so.

95,248. Was she an American?—No, an Irish lady; a Miss Nagle.

95,249. I will read this statement to you:—

“There is a corps of organisers, among whom is Mrs. Moore, an American.”

That is a mistake calling her an American?—Yes.

95,250. Had she been in America?—I think she is at present in America.

95,251. Had she?—No; in fact I am quite sure she had not.

95,252. You mean up to 1881 she had not?—Yes.

95,253. “Miss Reynolds.” That would be yourself?—Yes.

95,254. Miss O'Connor—that would be the sister of T. P. O'Connor. Where does she live?—I do not know. I never met the lady. I do not know anything about her.

95,255. Miss Yates?—Yes.

95,256. Do you know anything of a book called the “Book of Kells”?—I have heard of the “Book of Kells.”

95,257. Have you seen it?—I do not think I ever have.

95,258. Try and think?—In fact I could swear positively I never saw it.

95,259. Where was it kept?—I have not the slightest knowledge. It is very likely it was a book the ladies called that “Book of Kells.”

95,260. Was there a book of information that came from the ladies?—These matters I cannot give you any information upon.

95,261. Think?—There is no use of my thinking. I tell you plainly I took no interest, good, bad, or indifferent, in the business of the ladies, nor in the official matters.

95,262. Did you not yourself give information to be recorded in some book?—Not to be recorded. I supplied information as to the names of the families who were evicted, and the numbers, and the valuation of their land, and all that sort of thing, in order that they might get relief from the Ladies Land League.

95,263. Miss Reynolds, were you carrying on any business before October 1881 when you joined the Ladies Land League?—I was not.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,264. Were you independent?—I was not. I was living with my aunt; on my aunt.

95,265. Did you know Mr. and Mrs. Frank Byrne?—I met them both in New York.

95,266. When?—Before I came home—1885; I think it was in April.

95,267. When did you go to America?—1884; I think July 1884.

95,268. What time in 1884?—July.

95,269. You were then Mrs. Kenny?—Yes.

95,270. Was your husband still alive?—He was.

95,271. Was he connected with either of the organisations?—He was, he was a Land Leaguer of course.

95,272. What branch of the League?—Tullamore.

95,273. And you went with him to America in May 1884?—In July 1884.

95,274. And remained there for nearly a year?—Until the following April.

95,275. April or May was it?—Well it may not have been the end of April—the beginning of May.

95,276. Touring about, I suppose?—Yes.

95,277. Had Mr. Kenny any business?—He was a medical student, and he was a man in very bad health.

95,278. Had he any profession or business?—He had not.

95,279. Had he any independent means?—He had independent means, yes from his own family.

95,280. Now I want to understand this; you did not know Mr. and Mrs. Frank Byrne until you met them in New York?—And I only met them once in New York.

95,281. Where was that?—At Patrick Ford's.

95,282. Did you know Patrick Ford?—Yes, I knew Patrick Ford; he was a man who was exceedingly kind to me.

95,283. Did you know him before you went to America?—No, except by reputation.

95,284. I gather from your answer, Miss Reynolds, it was your first visit to America?—It was.

95,285. How did you come to know Patrick Ford; did you introduce yourself to him, or had you an introduction?—I introduced myself to him. I had a letter of introduction to him, I believe.

95,286. From whom?—I do not think it is necessary to go into details.

95,287. From whom; I have a reason for asking?—If the gentleman was in Court I would ask him, but I do not see him.

95,288. From whom had you a letter of introduction?—Well, I will not answer until I ask permission.

95,289. I did not quite hear you?—I will not answer until I ask permission of the person who gave me the letter.

95,290. Is he one of the members?—No; he is not a member of Parliament, I am thankful to say.

95,291. One of the persons who has been in court?—Yes; he has been in court.

95,292. Did you know Mrs. J. J. McGohan?—I never heard of such a person.

95,293. Mr. and Mrs. A. M. Forrester?—Yes.

95,294. You knew them?—I met them that evening.

95,295. Did you know them in Ireland?—I think I met Mrs. Forrester once.

95,296. When?—At the time of the Ladies' Land League.

95,297. Was she connected with the Ladies' Land League?—I do not think I can tell you. I really do not know.

95,298. Try and think?—It is no use my trying to think. I met her in the Ladies' Land League. Several people went into the Ladies' Land League; police detectives and everyone that were not members at all; so I could not tell you whether she was a member or not. It is probable she was.

95,299. Mr. and Mrs. Augustine Ford, you know them?—Yes.

95,300. Captain O'Meagher Condon, did you know him?—Yes.

95,301. Was a meeting held on the 20th April to meet you, Mrs. Kenny. There was a party, or meeting of persons—I mean at the house of Mr. Patrick Ford—a party of persons to meet you.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,302. Did Mr. Frank Byrne make a speech at that meeting in your presence?—Several of those present made speeches.

95,303. Did you know that Mr. Frank Byrne was at that time charged with being connected with the Phoenix Park murders?—Yes, I know he was charged, but I know a great many people are charged who really are not guilty.

95,304. Do you know of the martyrs' meeting in New York—had you heard of it?—I think that was after I came home.

95,305. Come, Mrs. Delahunt. Given in 1884, that is a year before?—I will not be addressed like that.

95,306. You will answer my question?

(*The Witness.*) My Lord, you will not allow it?

95,307. (*The President.*) I do not see that at present you have any reason to complain?—There is no reason to say, "Come, Mrs. Delahunt." That is no way to speak to a lady.

95,308. (*The Attorney-General.*) I am exceedingly sorry you should feel any cause of complaint in my manner. I will endeavour to amend?—Remember, Irish ladies are particularly sensitive.

95,309. I have not the smallest intention of saying anything the least unpleasant to you, or anyone else, but to treat you with extreme courtesy; I must put certain questions to you?—I am quite willing to answer any questions.

95,310. Do you not know in 1884, or have you not heard, of martyrs' meetings, or of martyr's anniversary?—Tell me what month.

95,311. May 1884?—I was in Ireland in May 1884.

95,312. I ask you whether you knew or not of that having taken place?—It is possible I may have read it.

95,313. I understand you to say that that occurred after——?—Because really in a report of these meetings—so many meetings are occurring—so many martyrs' meetings—I cannot recollect them all.

95,314. Did you know of this meeting in Patrick Ford's house, and Frank Byrne having taken part in any meeting in America at which the Phoenix Park murders were referred to or celebrated?—I never gave it a thought.

95,315. Did Frank Byrne say this in your presence:—

"With Mrs. Kenny's permission I would wish to add my testimony to Mr. Ford's as to the high esteem in which Mrs. Kenny is held by the people of Ireland. In my capacity as secretary of the Land League of Great Britain I naturally became familiar with many facts concerning the noble work being done by the Ladies' Land League; and I found that on every occasion where the practical portion of the work was to be done, Miss Reynolds was to be found in the forefront."

That is in the "Irish World," of the 2nd May 1885, page 10. Do you remember that?—It is quite possible—Yes, I recollect it.

95,316.

"Captain O'Meagher Condon said that he highly and warmly appreciated the generous and devoted efforts made by Mrs. Kenny to alleviate the sufferings caused by landlord evictions in Ireland."

I dare say you remember that?—Yes.

95,317.

"Arthur M. Forrester was glad of an opportunity of adding his mite to the well-deserved tribute of praise bestowed upon Mrs. Kenny. From village to village, from cabin to cabin, she rode ahead of the flying column of peelers and dragoons, cheering the despondent, warning the wavering, threatening the cowardly."

Do you remember that being said?—It was said, and I may have done those things on my own account. I never had orders to do them, but it is quite possible I may have done them on my own account.

95,318.

"There was no time for Miss Reynolds to lose. It was necessary that the inmates of the next cabin they proposed to visit should be forewarned, should be told that they would be aided in their struggle against landlordism, and sternly instructed that it was their duty to pay no rent."

Do you remember Mr. Forrester saying that?—Yes.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,319.

“ So over a fence, across a ditch, through dirty, muddy, ploughed fields, scrambling through hedges, and wading through bogs, went Miss Reynolds, and when the horse and foot arrived at their destination, they found to their sorrow that she had been before them, and that their forced march was all for nothing.”

Does that substantially represent what was said?—I think so.

95,320. It does represent, does it not, a fair description of what was said?—Pretty fair.

95,321. Of the work you were engaged in?—Pretty fair.

95,322. Now let us just go back to this: “Threatening the cowardly.” Did you not on many occasions in the autumn of 1881 and 1882 threaten persons who had expressed their intention to pay their rent?—I do not really believe I did. On my own account I may have told them they should not have paid rent under these circumstances.

95,323. I call your attention to what you said you did upon your own account?—I never had orders. That is one thing certain.

95,324. I will come to the question of orders directly. “Threatening the cowardly.” What did you understand by the “cowardly”?—By the cowardly, those who would not stand by their fellow countrymen, I suppose.

95,325. Those who having money to pay paid?—Would not stand by their poorer neighbours, I suppose that is.

95,326. That is to say, the people who having got the money to pay their rent were willing to pay?—Some were and some were not.

95,327. Those you understood by the cowardly?—Quite possible.

95,328. When Mr. Forrester suggested of you that laudable act, for which you had been well deserving of the tribute of praise, “of cheering the despondent, warning the wavering, threatening the cowardly,” tell me what you understood by it?—I did not pay much attention. I was used to that sort of big talk. It was merely a rhetorical flourish. I did not mind that.

95,329.

“ It was necessary that the inmates of the next cabin they proposed to visit should be forewarned, should be told that they would be aided in their struggle against landlordism; and sternly instructed that it was their duty to pay no rent.”

—I fancy I did not do it sternly.

95,330. Will you undertake to say there were no stern instructions?—I think I may safely say that.

95,331. Will you undertake to say there was no warning as to what would happen to them?—Never. I can swear solemnly I never made any remark of that sort to any tenant.

95,332. No warning?—No, never.

95,333. “Warning the wavering”?—Am I accountable for what men say of me?

95,334. This statement is made in your presence?—I was not going to stand up and contradict it.

95,335. I understand this gives a fair description of the work you were engaged in?—Yes, but certainly I did not threaten anyone with outrage if they did pay their rent. Of that I am perfectly certain.

95,336. Were you at any place with Mr. Redmond?—Mr. Redmond? No, I am quite sure I was not.

95,337. Never?—Mr. Redmond, no, I do not think so. In fact, I am quite certain I never did.

95,338. On no occasion?—On one occasion.

95,339. I beg your pardon for going back for a moment. I have not got the exact dates I wish to put to you. Do I understand you to say that prior to May of 1885, you had not heard of Mr. and Mrs. Frank Byrne being present at the martyrs’ meeting of the 2nd July 1883?—I may have heard it, but it made no impression on my mind.

95,340. The Brady anniversary of the 14th of May 1884?—I never paid very much attention to it.

95,341. Do I understand it would make no difference to your being in company with these persons, and being paid by these persons, if you knew they had been parties to



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

such a thing as the Brady anniversary?—Well, I do not know. I looked upon Brady as a man who was duped. I am sure he was a man who suffered for his love of country, and who was made a fool of by others.

95,342. Whether a fool or not, do I understand it would make no difference in your mind whether this eulogium was passed on you was passed by a man who had taken part in the New York Brady anniversary on the 14th of May 1886?—You would not expect me to find fault with any guests as a hostess.

95,343. That is your explanation, is it?—Well, I should think so.

95,344. Now, if you please, did you keep any note of any money you received?—No, I do not think so.

95,345. Will you tell me how much it was altogether?—I have not the remotest idea.

95,346. Did it go to hundreds?—So far as I am supposed to receive myself it was not 30*l*.

95,347. I am not speaking of your own remuneration?—I tell you I have no head for business matters or for figures, and I never keep accounts, except our own household accounts.

95,348. Can you tell me at all the amount of money you received?—No, I think I know the lady who has my Kerry expenses. I think I could produce them if you wish to see them.

95,349. What is her name?—I do not think it is necessary to give her name, but I will ask her for them.

95,350. What is the total amount I may take roughly of your expenses. I will ask first how long did you continue working for the Ladies' Land League?—I joined it at the end of October.

95,351. 1881?—And I think up to August—wherever the Ladies' Land League was disbanded.

95,352. October 1881 to August 1882?—Yes, or September.

95,353. Now it is fair to say to you, during part of that time a charge was brought against you and you declined to give bail. A part of that time therefore you were not going about?—I was one month in prison and I was a week in prison.

95,354. That I will come to presently—that was December 26th?—Christmas Eve 1885 I went to prison.

95,355. A month from that?—Yes.

95,356. Have you any idea at all of what the total expenditure of the Ladies' Land League was during that period?—Not the remotest.

95,357. Never took any trouble to inquire?—No, never took the slightest interest in this matter.

95,358. Let me call your attention to this statement which came from the same source—from Mr. Davitt.

“Providing for coercion prisoners and ordinary law prisoners from December

“26th, 1881, to date (the date is apparently August 1882 already referred to),

“21,637*l*. 16*s*. 4*d*.”

Did you have anything to do with any part of that expenditure?—I had the expenses going over the country—there were hotel expenses and car hire, and that sort of thing.

95,359. I am speaking of money you paid?—That is all the money I paid, the hotel expenses and car-drivers.

95,360. Nothing else?—Nothing else; or to evicted tenants; I may have paid evicted tenants or labourers.

95,361. Did you pay any money to ordinary law prisoners?—No, I had no connexion with that part of the business at all.

95,362. Did you send the names of ordinary law prisoners who had received the money?—I do not think I did.

95,363.

“Ordinary law prisoners, catering from December 26th, 1881, to date,

“1,603*l*. 12*s*. 1*d*.”

—It was a sustentation fund made up and the ladies arranged it.

95,364. Had you anything to do with that?—No, I had not; we managed our business very well; each lady had separate work.

95,365.

“Legal costs: Pay Ladies' Land League 1,508*l*. 17*s*. 7*d*.”

Had you anything to do with that?—I think not.



.17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,366. Do you know where the books of the Ladies' Land League are?—Very likely in the waste-paper basket or on the fire.

95,367. Where is the waste-paper basket?—I suppose burnt or the paper burnt.

95,368. Do you know?—I do not know anything whatever about the basket. I merely say I think they were all torn up.

95,369. When do you say they were torn up?—I do not know. I suppose they tore up the papers after the Ladies' Land League was dissolved.

95,370. On whose information do you say they were torn up?—Well, only what I would consider the right thing to do myself. I would not care to be surrounded by waste paper myself.

95,371. What I want to know is this. In the month of December 1881 were dry-sheath Ladies' Land League books started?—I do not really know what you mean.

95,372. I call your attention to this statement. Well founded or not, it comes from the "Irish World" of the 28th December 1881:—

"The books of the Ladies' Land League have been duplicated"—

It is the "Irish World," the 7th January 1882, under date "Dublin, 28th December 1881":—

"The books of the Ladies' Land League have been duplicated and everything

"is arranged to carry on the work, no matter who is arrested at the meetings."

Do you know whether that is true or not?—I never heard anything about it.

95,373. Can you tell me which of the ladies whose names I have put to you would be the persons who would have anything to do with the books?—Well, I suppose the treasurer would have something to do with the books.

95,374. Anybody else?—I could not tell you. I took no interest in the office work. I was very little in the office in O'Connell Street, very seldom. I have not brains enough for that sort of work.

95,375. Do I understand you yourself never saw the books?—I think I may safely say that. I certainly never saw the inside of them. I never took the trouble of looking.

95,376. And you do not know if they are destroyed, when they were destroyed, and by whom?—No, I took no interest, as I tell you, in them, but I suppose they were in use to keep, and I am quite sure the world might see the books of the Ladies' Land League.

95,377. You see, unless you said the inside of them you could hardly say-----?—Oh, still I can understand what had to be put on them; nothing except to keep their accounts.

95,378. You mentioned Miss Lynch having gone to Spain. When did she go to Spain?—I do not know. Really Miss Lynch may not be in Spain. I am giving you my impression.

95,379. You told me, I believe she is in Spain. You do not know when she went?—I do not.

95,380. Did you have anything to do with this organisation before you joined it at all?—No, I simply joined it by way of protest when Mr. Parnell was arrested.

95,381. Where did you first go?—To Longford.

95,382. Who with?—By myself.

95,383. Nobody else?—No.

95,384. Did anybody visit Longford with you?—No.

95,385. Did you visit Longford more than once?—No, I did not.

95,386. How long were you at Longford?—A week, I think.

95,387. What did you do at Longford?—What did I do at Longford? I did several things.

95,388. What did you do in connexion with the organisation?—What did I do? Well, I really do not know, I suppose I got a list of those persons about to be evicted, and all that sort of thing.

95,389. It is not a question of "suppose;" try and think, as near as you can, what you did at Longford?—I believe I did do that; I got the names of families, I suppose, about to be evicted.

95,390. In Longford?—Yes.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,391. Do you remember the estate which that was on?—I really do not think I do, perhaps it was Granard's estate; I think there was some man named O'Connor as an agent, Matthew Weld O'Connor.

95,392. Did you hold any meetings in Longford?—No.

95,393. That was your first visit, I understand?—Yes, I think it was a children's meeting.

95,394. May I take it in substance that all you did in Longford was holding a children's meeting?—I think that was about all.

95,395. That you state?—I think so.

95,396. You are not able to tell us anything you did, except hold a children's meeting?—That is about all.

95,397. Did you at any time go to Loughrea?—No, I never was in Loughrea.

95,398. Never in your life?—I do not think I was ever in county Galway.

95,399. You never were in Galway at all?—I do not think so.

95,400. Where did you go after Loughrea, did you go to Carlow?—No, I never was in Carlow.

95,401. You were not in county Carlow at all?—Never.

95,402. I will put it to you; what places were you in after you went to Longford?—I am not very certain, I know I was in county Waterford, yes, I think I went to Waterford.

95,403. Who were you with at Waterford?—I was there at an hotel.

95,404. I mean, did you go alone?—Yes, I went alone.

95,405. Was Mrs. Moore with you there?—She was not.

95,406. When did Mrs. Moore first go about with you?—I met Mrs. Moore on one occasion.

95,407. When was that?—In Castletown Bere.

95,408. That was in December 1881, I think?—Yes.

95,409. Between October and December 1881, I think I am correct in saying that your visit to Castletown Bere, which I am coming to shortly, was in December 1881?—Either at the end of November or the beginning of December; I never keep dates.

95,410. Try and give me what places you were at between your visit to Longford in October and Castletown Bere in December?—Waterford, some parts of Waterford, that is all.

95,411. What did you do in Waterford?—I do not think I did very much.

95,412. Can you remember what you did?—I suppose the usual thing, I got the names of tenants about to be evicted, and tenants who had been evicted.

95,413. Do I understand you to say that that was what your business in Waterford was?—Yes, I am quite sure it was.

95,414. Nothing else?—No.

95,415. But getting the names of evicted tenants?—That is really what it was.

95,416. Solely?—I think so, in fact I am sure.

95,417. Tenants who had been evicted?—Or about to be evicted.

95,418. I want to get clearly about the dates; when did you visit Kerry?—I think it was after I came out of prison.

95,419. What, before Castletown?—No, I went from Waterford to Castletown.

95,420. I wish to avoid giving you more trouble than I can help. The two places you referred to before Castletown were Longford and Waterford; is that correct?—That is correct.

95,421. And beyond a children's meeting, and possibly getting the names of evicted tenants, you cannot tell me what you did at Longford?—No, I think not.

95,422. Were you quite alone; Mr. Redmond was not with you at Waterford?—No, I met Mr. Redmond once in Dublin.

95,423. Did you know Mr. Redmond by the name of Mondred?—No.

95,424. Did you know a person named Mondred?—No, I did not.

95,425. At any time?—At any time.

95,426. Coming to Castletown did you happen to know what had been the condition of the Castletown Bere district until you came to Castletown Bere?—Yes.

95,427. It is in the county of Cork?—In West Cork.

95,428. Was Mrs. Moore there, or did you meet her there?—I met Mrs. Moore going to an eviction, or coming from an eviction.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,429. I understand the view you expressed to the President with regard to these evictions was that they were the worst crimes in Ireland?—I did.

95,430. Worse than murder?—I think they are a sort of legalised murder, in many cases people have died outside their homes.

95,431. Are you able to tell my Lords at all the condition of crime in Castletown Bere district before you went there?—I do not think there was any crime in Castletown either before or after; there were very poor people there, and a poor spirited people. I think poverty and tyranny keeps them like that.

95,432. They would not show fight of any kind?—I do not suppose they would, they were so poor.

95,433. Am I not correct in saying that up to the time of your visit in December 1881 there was no agrarian crime in Castletown?—I never heard of an agrarian crime in Castletown at any time.

95,434. Then, so far as your opinion goes, the suggestion I make to you is correct, that up to that time there was none?—None that I ever heard of.

95,435. I am speaking of the Castletown Bere district; I am speaking of the country round. My suggestion is that up to this time there was no crime, and I understand that you agree with that?—I never heard of it.

95,436. Did you hold any meetings in Castletown?—No, I did not hold any meetings in Castletown. I went to one or two evictions, because it was after that that I was imprisoned.

95,437. Did you address the people?—No, I am not an orator, I never went in for speech making.

95,438. Did you on more than one occasion address the people at evictions, or after evictions?—No, I may have spoken to the tenant about to be evicted, and in that case of Ockabra for which I was sent to Cork gaol, the woman spoke Irish which unfortunately I do not understand.

95,439. Whether that be so or not, on the 23rd December 1881 you were convicted for something you had done or said?—Or not done.

95,440. Done, said, or not done, if you wish to put it in that way, down at Castletown Bere?—In Castletown Bere, yes.

95,441. You were ordered to be held to bail for good behaviour, I think?—Yes.

95,442. Did you decline to give bail for good behaviour?—I declined, because I considered my behaviour had always been good.

95,443. And you went to prison instead?—I went to prison instead.

95,444. Where were you between the time you first went to Castletown and the 23rd; did you remain in the district?—No.

95,445. Are you sure?—Did I remain in the district?

95,446. Yes?—After I got the summons, I think the first summons was for conspiracy, that would be tried by a jury, and no jury in Ireland would send me to prison for that offence, so the summons was altered and amended which gave the magistrate power to do what he liked.

95,447. I take your answer about the jury?—I am trying to explain to you. I went up to Dublin immediately after that, and I had to come down again to Castletown for the second trial.

95,448. I am referring to the interval?—I think I was in Limerick, at a place called Doone; I stopped with the parish priest.

95,449. Am I correct in saying the first occasion on which you were present at evictions was the 1st December 1881?—I told you I do not remember dates; the most important facts of my life I do not remember.

95,450. Was it about three weeks before your conviction?—Before my imprisonment?

95,451. Yes?—Yes, about that.

95,452. Did you hear of a man named Patrick Neil down in that district?—No, I never heard.

95,453. Patrick Neil, who had paid his rent?—Patrick Neil? No, I never heard of Patrick Neil. The only man that I ever had anything to do with was this Patrick Murphy, of Ockabra.

95,454. Did you hear of Patrick Harrington?—There are ever so many Harringtons about that part of the world.

95,455. Did you hear of Daniel Sullivan?—Daniel Sullivan? I do not know.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,456. Did you hear of Isaac Waller?—I do not know. That is a very rare name down there. I do not remember it.

95,457. Did you hear of anything happening to them immediately after your presence there?—No, I never heard of anything happening in Castletown.

95,458. I am putting to you the district, and I suggest to you that prior to your going down there was no crime at all; are you aware whether or not in that immediate neighbourhood, in the four or five days following your presence there, whatever it may be, there were four agrarian outrages?—I have never even heard of the outrages until this moment.

95,459. Did you hear of Patrick Neil's hay being burnt?—He may have burnt it himself. I never heard of it. The police may have burnt it; it is usual in Ireland.

95,460. Do you suggest that the police burnt it?—I have not even heard of it. I do not know anything about this particular man.

95,461. Did you hear of Patrick Harrington's turf being burnt?—I never heard of Mr. Harrington or his turf.

95,462. Did you hear of Daniel Sullivan's hay being burnt?—I never did.

95,463. Did you hear of Isaac Waller's fence being torn down?—No, I never heard anything about Isaac Waller.

95,464. I put this to you——?—I solemnly say I never heard of those things until I heard of them from you.

95,465. I put this to you, in what way did you address any people, if you thought they were going to pay their rent?—That all depends on the time, while the No-Rent Manifesto was in vogue—you must remember that was to pay no rent to a certain time—I may have told them to pay no rent.

95,466. The No-Rent Manifesto was published, as we knew, in October 1881?—Yes.

95,467. I am asking you about December 1881; are you quite sure that when you were down in Castletown Bere you did not say anything to the people about not paying rent then?—It is quite possible I may have told Patrick Murphy not to pay his rent.

95,468. Anybody else?—No, I do not remember anybody else at all.

95,469. How many days were you there?—Not very many.

95,470. Ten days, were you not?—I do not think so.

95,471. Try and think?—I could not tell you; very shortly after I went there the summons came, and I left the place.

95,472. I put it to you five or six, or ten days before that you were sent?—I do not think I was.

95,473. Where did you stay?—At the hotel—Mrs. Murphy's, I think.

95,474. I put it to you as the fact that, while you were there in that immediate neighbourhood did not three or four of these agrarian outrages take place?—I have told you I never had heard of those outrages until this moment.

95,475. That you are quite sure of?—That I can swear to.

95,476. Can you tell me the names of any persons whom you did advise not to pay their rents at that time down there?—No, except Patrick Murphy. I may have advised him.

95,477. Can you explain to my Lord what a gentle warning would be?—Well, I may have told them that it was for the good of their country not to pay; that was all.

95,478. Did you tell them that anything would happen to them?—No, never.

95,479. Are you quite sure you stopped there?—Yes.

95,480. Anything like threatening about being cowardly would not occur to you?—Certainly not.

95,481. After your conviction did it come to your knowledge that the windows of the district inspector were broken, I think it was Inspector Maxwell?—Yes, I know Inspector Maxwell, he was a man exceedingly courteous to me whenever I met him.

95,482. I am very glad to hear that. I have no doubt the Irish Constabulary would be?—No, not the Irish Constabulary, not all of them, but the inspectors as a rule.

95,483. Did it come to your knowledge that Inspector Maxwell's windows were all broken the night after your conviction?—I think I heard of his windows being broken.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,484. He had been popular in the district before had he not?—Well, I do not think I made him unpopular.

95,485. You never heard of him being unpopular before that?—I never heard of the man before that, I must confess I feel rather ashamed to-day to say that I did not even know where Castletown Bere was until I went there.

95,486. How did you come to find out Castletown Bere?—By asking, by the railway guides, and that sort of thing.

95,487. If you never knew of it, how did you come to hear, or know of it?—By the ladies of course I heard of it.

95,488. What ladies?—The ladies of the Land League.

95,489. Who?—I could not tell you who.

95,490. Somebody from the committee sent you down as an emissary?—Probably.

95,491. To strengthen the backs of the people?—Not to strengthen the backs.

95,492. What to do?—When persons were evicted, to get their names, and get them relief, to see they would not suffer or die on the roadside, which was the case before the Land League was started.

95,493. But if they paid their rent they would not be evicted?—How could they pay their rent; you do not know the place; it is all stones and such like.

95,494. How was it you could tell the people not to pay their rents?—I tell you I am not certain that I told them not to pay their rents. I would tell tenants not to pay impossible rents. I think they have always been too cowardly, the farmers in Ireland.

95,495. Have you at various times and places told people not to pay rent?—Possibly I may.

95,496. Did it come to your knowledge that in January or February 1882 there were in Castletown, Bere district, something like 15 or 20 agrarian outrages?—I never even heard of them.

96,497. Did you take no more interest in the Castletown Bere district?—No, I do not think so.

95,498. Left it alone?—Yes.

95,499. Did anybody look after the poor tenants?—I never heard anything more about them. Do not I tell you I was a month in jail—how could I look after that?

95,500. It amount to this, that you went down to a place you never heard of before?—Yes.

95,501. You went down on the instructions of some ladies of the Land League?—Yes.

95,502. And for something you did down there you were prosecuted?—I believe so. Mr. Herbert Gladstone committed the very same offence, and nothing was done to him.

95,503. Assuming that people were cautioned—I will use a mild word—"mildly warned" against paying their rent, and had afterwards paid it, do you think it would have excited the indignation of the adjoining people?—I do not think it would.

95,504. You think such a thing as outraging a person for not paying his rent has not occurred?—I do not know whether it has or not. The documents say it has. I never took any further trouble to inquire.

95,505. You came out, I think, at the end of January 1882, were you in prison the full month?—A lunar month.

95,506. Where did you go? Did you go to Ballaghadereen?—I went to Dublin.

95,507. Did you remain there long, or walk to Ballaghadereen?—I do not think I went there immediately. I am not sure. I have been to Ballaghadereen.

95,508. I do not wish in the least to pry into your private affairs, but I do wish to ask you with regard to certain movements of yours as to which I have information, which I am bound to put to you in reference to the statements I made. What was the next place, after you came out of prison, which you went to on Ladies Land League business?—I am not sure I have been to Kerry.

95,509. Is Ballaghadereen in Kerry?—No.

95,510. Where was it?—Between Mayo and Sligo.

95,511. Then may I take it that you went to Ballaghadereen on Land League business at this time or not?—Yes, I suppose it was, but I did nothing at Ballaghadereen. I merely saw Mrs. Deane.

95,512. But what I understood you to say was that you went on Land League business?—Yes.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,513. What Land League business?—I really do not know.

95,514. Were there any threats of evictions on the Guinness property?—I do not think so. I think I went down to that part of the country to investigate a branch of the Land League.

95,515. Of the Ladies' Land League?—I think so.

95,516. Or the other Land League?—I believe there were some members paying themselves instead of paying the tenants.

95,517. And you were sent down to investigate some alleged misappropriation of the funds?—I was.

95,518. Did you go alone?—I did.

95,519. At Ballaghadereen, did you happen to meet Mr. Mondred?—No.

95,520. Are you sure?—Quite sure.

95,521. Did you go to a place called Higginstown?—No, I do not think so. In fact I have no recollection of Higginstown.

95,522. Do I understand you to say, giving your evidence upon oath before my Lords, that on none of the occasions at the early period of 1882 were you accompanied by Mr. William Redmund?—Never.

95,523. Nor met him?—Never. I met Mr. Redmund but I never was in company with him. I think I met him in Dublin once, and I also met him at the Boston Convention.

95,524. At Dublin and at the Boston Convention?—That was all.

95,525. You are quite sure of that?—Quite sure.

95,526. I take that account from you. Did you happen to meet P. J. Sheridan?—I never saw P. J. Sheridan.

95,527. Did you meet Father Murphy?—I met several Father Murphys.

95,528. Did you meet a Father Murphy in the early part of 1882?—Let me see. I know a Father Murphy of Tullamore, but I do not think I could have met him at that time.

95,529. Did you on or shortly after the occasion at Ballaghadereen meet a person passing by the name of Murphy?—Never. I think the only priest I met at Ballaghadereen was Father O'Hara.

95,530. Do you know P. J. Sheridan by sight?—I never saw P. J. Sheridan.

95,531. Then P. J. Sheridan conveys no meaning to you?—No meaning whatever.

95,532. Did you hear of Father Murphy in connection with Land League work?—Never.

95,533. I mean that conveys no meaning to your mind whatever?—None whatever.

95,534. At any time did you go to Broughal Castle, King's County?—Yes, I was in Broughal Castle once.

95,535. When was that?—In March or April.

95,536. Before, or after, your visit to Kerry?—After.

95,537. Then, if you please, I will take your visit to Kerry first. What places did you visit in Kerry?—Tralee, Castleisland, Knocknagoshel, Rathmore.

95,538. I am quoting from the "Irishman" of the 4th March. It is headed:—

"Anna Reynolds in Kerry. The 'Irishman' of this date states that Anna Reynolds has just visited Rathmore, Rossleigh, Cahirciveen, Tralee, Castleisland, Knocknagoshel, and Brosna."

Is that correct?—Yes.

95,539. Was it a tour?—Yes, I have been to all those places.

95,540. And did you go to all those places in the beginning of March or February. I believe 1882?—I suppose about that time.

95,541. Who did you go with there?—I always went by myself everywhere.

95,542. But did you meet anybody there?—Of course I met people there.

95,543. Can you tell me the names of the people you met there?—No, several evicted tenants; I really could not tell you their names.

95,544. Do you represent in all these places you met evicted tenants?—Yes, I think so, or nearly all evicted tenants, or tenants about to be evicted.

95,545. Let us keep the two things distinct. Will you tell me any of these places where you will pledge your word that you met evicted tenants?—Yes, in Castleisland I met evicted tenants.

95,546. On whose estate?—Herbert's, I think.



17 July 1889.

ANNA DELAHUNT.

[Continued.]

95,547. Anywhere else?—I forget.

95,548. Be careful, if you will, kindly, before you answer. Was there anywhere else, in March or February 1882, that you met evicted tenants?—It must be evicted tenants I met. I really could not give you the names.

95,549. I am asking you about the places. I have a reason for putting it to you. Tell me about places where you can pledge your word in February 1882 you went to meet evicted tenants. I will call your Lordships' attention in a moment to pages 1043 and 1044. I ask you, Mrs. Delahunt, to tell me any place in which you met, or went to meet, evicted tenants besides Castleisland?—I think in Killarney, I met Mrs. Murphy who had been evicted, and several times prosecuted for taking possession of her house.

95,550. I do not think Killarney was one of the places referred to, but I will take your answer as to that. Did you go to Killarney as well then?—I did.

95,551. I will add that then to those names. Did you attend any meeting at those places, Rathmore, Rossleigh, Caherciveen, Tralee, Castleisland, Knocknogoshel, or Brosna?—No.

95,552. No Land League meeting?—No.

95,553. Did you find out any Land League meetings?—I do not know whether they held meetings there or not. I believe I was at the Ladies' Land League meetings.

95,554. At those places?—At some of those places.

95,555. Do you know at all what the condition of crime had been in any of those places before February 1882?—I do not really know. I had nothing whatever to do with crime, and I know nothing about it, except what I read in the newspapers.

95,556. Then it is no good my suggesting or putting to you——?—That I committed a crime; it is not the slightest use.

95,557. Any question respecting the condition of crime before your visit?—I could not tell you. Always, as long as I remember, I have heard of agrarian crimes in Ireland.

95,558. Could you tell me the name of any of the leading people you met either in Tralee or Castleisland?—I met Mr. Edward Harrington at Tralee.

95,559. Anybody else?—I met friends of my own at Tralee.

95,560. You mean connected with the Ladies' Land League?—No, not at all connected with the Ladies' Land League.

95,561. In Killarney?—In Killarney. I met several people in Killarney connected with the League.

95,562. You said you met persons going to be evicted?—Yes.

95,563. Men against whom you heard proceedings were going to be taken?—I suppose that was it. It is a long time ago, and I really forget a good many of the details.

95,564. You forget the details?—I really do.

95,565. Did you advise them not to pay their rents?—I tell you I really cannot say. It is quite possible that I may.

95,566. Just observe. You are down in this district and people are going to be evicted; it is quite possible you told them not to pay their rent?—Yes, quite possible.

95,567. Were any proceedings taken against you at this time?—No.

95,568. I thought you said you were arrested for a week afterwards?—I was arrested for a week, that was in April, when Head Constable McCormick had me arrested, the man who swore here that I was in company with No. 1. That man is a perjurer.

95,569. I will come to that in a moment. But for the proceedings at Castleisland I understand no steps were taken against you?—No, certainly not.

95,570. Did it at all come to your knowledge what outrage occurred, or what agrarian crime occurred, in the very districts to which I have referred—Castleisland, Killarney, Tralee, Knocknagoshil, and those other places immediately following your visit?—I really never heard of anything happening following my visit.

95,571. I am only putting it to you as a coincidence of time; did you hear of Maboney's house being fired into [Page 6, *Kerry Outrages*, No. 467], because he was supposed to be going to pay his rent?—I do not recognise the name even. There was one man, if you will allow me to state this; there was a man here named Lennard, who swore that I stopped or visited at this place, and that the following night an outrage



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

was committed. That man has perjured himself, at any rate by implication. I wounded his vanity on one occasion, and he has not forgotten me. I took him for a bailiff when he was an agent.

95,572. Did you hear of Dolan being fired into?—No; I read those things in the paper. They had not the slightest impression on me.

95,573. What I desired to put to you is this: did it come to your knowledge or not that at the end of February or the month of March 1882 there was a sudden development of agrarian crime in those very places you had been visiting?—No.

95,574. You never heard of it before?—No.

95,575. Then I may take it you were not sufficiently acquainted with the condition of crime in those districts to know at this time whether any crimes existed?—I paid very little attention to those things.

95,576. Did you consider it a matter of no importance?—I considered that I had nothing to do with it.

95,577. Did you consider it a matter of no importance?—That is quite another question.

95,578. I call your attention to a series of outrages which occurred in the month of March, and the end of February 1882 in those very places. Do I understand that you had no knowledge of them at all?—I may have read of them in the paper.

95,579. At the time?—Yes.

95,580. Did you take any steps to find out who had been the persons who had committed these outrages?—Well, I am not a Government detective.

95,581. I am asking you a plain question?—Yes, but it is not my duty to find out crime.

95,582. Not your duty?—Certainly not.

95,583. Did you consider these crimes against people who paid their rent were helping the Land League or were against the Land League?—I always heard they were against the Land League.

95,584. And always hearing they were against the Land League, you going down to this place from time to time, did you ever take any steps to find out what was the cause of them?—Why should I?

95,585. To try and stop them if they were against the Land League?—They would not stop them for me.

95,586. You think you would not have had any influence in that direction at all?—I do not suppose I would when they had no connexion with me.

95,587. I put it to you that you went in February 1882 to this place, and that during the next two months upwards of 25 agrarian outrages occurred in that immediate neighbourhood?—I am sure I am not responsible for them.

95,588. Were any other persons organising at that time with you?—No, I told you I was always by myself.

95,589. Was there any other organiser down there besides yourself?—I do not think so.

95,590. You think you were the sole Ladies' Land League organiser who visited those parts?—Well, I think so. As well as I remember I think that is so.

95,591. Had you any instructions as organiser?—No instructions whatever, I tell you except to see after the tenants who were about to be evicted and who had been evicted.

95,592. Now we will go to your next place if you please. Do you remember where you went after your visit to Kerry. Did it happen to be Broughal Castle?—Yes.

95,593. Was that Captain Dugmore's?—Yes.

95,594. Where is Captain Dugmore?—I have not the remotest idea. I think I heard he was somewhere on the Black Sea.

95,595. When did you last see him?—I think at the 1882 Convention.

95,596. Where?—In the Ancient Concert Rooms in Dublin, I think.

95,597. What was Captain Dugmore?—Well, I believe he was a military captain.

95,598. Was he living down there?—He was living at Broughal Castle.

95,599. Did he have anything to do with the Land League?—Yes, I believe he had.

95,600. Think now?—Yes, he was a Land Leaguer, of course, and the Honourable Mrs. Dugmore was president of the Land League in that part of the country, and an English lady, the daughter of Lord Brougham; and she would scarcely be connected with crime.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,601. Captain Dugmore was a member of the Land League and Mrs. Dugmore was?—President of the Ladies Land League at Broughal, I think.

95,602. Is there a place called Frankfort near there?—There is.

95,603. Did you go there?—Well, I have been there frequently.

95,604. How long were you staying at Broughal?—I think about two or three months.

95,605. In 1882?—Yes.

95,606. Do you know what the condition of crime had been in that neighbourhood before you went there?—I do not.

95,607. You have no idea?—No, I have no idea. I do not think there was ever very much crime there.

95,608. Did you know the Dugmores before you went there?—No.

95,609. You went down, I suppose, as the representative of the Ladies Land League?—Yes, I think so. I went down to that part of the country, and Mrs. Dugmore asked me to stop at the castle.

95,610. You had better look, if you please, at this photograph, and tell me if you know that gentleman by sight?—I have seen that man's photograph just as you have it there—No. 1, Tynan.

95,611. Have you seen the man?—No, I have never seen the man.

95,612. Do you represent that?—Never.

95,613. Nobody like him?—Never.

95,614. Keep it before you for a moment?—Never; there is not the slightest necessity.

95,615. You know no one looking like that?—Not the slightest.

95,616. Neither Thompson nor Tynan?—Neither Thompson nor Tynan. I will tell you all about Thompson if you wish.

95,617. Was there a man named Thompson?—There was a man who went by the name of Thompson.

95,618. Was he like that at all?—He had not the slightest resemblance—a man whose never wore glasses in his life and had not that sort of face at all.

95,619. Whether he wore glasses or not, he did not in the slightest resemble that man?—Not the least; no more than I do.

95,620. Was Thompson down at Broughal Castle?—Yes, Thompson was. His name was Denis Florence McCloskey.

95,621. Where is he?—I believe he is in Canada, at least when I last heard of him, I believe he was in Canada.

95,622. Was he a stranger to you?—Until I met him there, yes. He went by the name of Thompson, and he was supposed to go to Broughal Castle to help Captain Dugmore to compile a book which he called a green book, in which he kept, I think, an account of the outrages committed by the Government and the police.

95,623. A green book which Thompson was down there to compile which contained a list of the outrages perpetrated by the Government and the police?—I believe so.

95,624. What has become of that book?—I really do not know.

95,625. It might be useful?—It might be very useful, but I do not think it would.

95,626. When did you last see that interesting work?—I saw the book, but I never opened it.

95,626a. But you knew what it was about?—I was told.

95,627. Was Thompson down there all the time you were there?—Not all the time. He was there from time to time. He was at the Castle.

95,628. Was he doing anything besides this?—No, I think he was an organiser for the League.

95,629. An organiser for the League as well?—I think so.

95,630. He combined the two occupations of organiser of the League and preparing a list of the outrages perpetrated by the Government?—Yes.

95,631. Did you take part in any little visitations when you were at Broughal Castle?—What do you mean by little visitations?

95,632. Did you go round and visit the farmers?—I have visited some farmers.

95,633. Think if you did, please. Did you at Broughal Castle?—Not very many.

95,634. At Frankfort? Did you go round and visit people who were supposed to be not warm-hearted in the country's cause?—No, I did not.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

- 95,635. Did you advise people there not to pay rent?—I really do not think I did.
- 95,636. You may have done?—It is possible I say, but I not think I did.
- 95,637. Was Captain Dugmore prosecuted?—He was.
- 95,638. What for?—I do not know. I suppose what we were all prosecuted for.
- 95,639. Come, think?—Well, really I took no interest. I could not tell you what I was prosecuted for myself.
- 95,640. Took no interest in it?—Intimidation or something. We do not mind those things in Ireland.
- 95,641. You took no interest in it?—Not very much.
- 95,642. Was not Captain Dugmore prosecuted?—He was, but I could not tell you what he was prosecuted for.
- 95,643. Listen to me, kindly. Was not he prosecuted for things he had done during the very time you were staying there?—If you will tell me why he was prosecuted I can answer you better.
- 95,644. I suggest to you he was prosecuted for intimidating persons and inciting them not to pay rent?—Well, I think that was the way all our summonses were worded.
- 95,645. Was not that in respect of things that went on while you were there?—It may and it may not.
- 95,646. No doubt it may; to the best of your belief, was it not?—I could not say.
- 95,647. Is it possible it may have been?—It is.
- 95,648. You cannot suggest any other cause for which Captain Dugmore was prosecuted?—I think Captain Dugmore really did nothing that entitled him to be imprisoned.
- 95,649. Were you present at the trial?—Yes, he had a trial.
- 95,650. Were you present at it?—I was.
- 95,651. Was the man you call Thompson present?—Of that I really am not sure.
- 95,652. Try and think, please?—It is no use my trying to think, because I cannot answer. I was there myself. I saw in the report in the papers that Head Constable Rodan swore that Number 1 or Tynan was present at my trial with Mr. Matthew Harris. I had no trial. It was a hole-and-corner affair in the police station. There was no one present but the man who swore against me and the magistrate who convicted me.
- 95,653. Whether a hole-and-corner affair in the police station or not, was a charge brought against you?—A charge was brought against me. Several charges were brought against me. One of the charges was that I shook my head at Head Constable M'Cormick and thereby endangered his life. Even the paid removable dismissed that charge as frivolous.
- 95,654. What I wish to know, if you please, is was Thompson present at the hole-and-corner affair to which you have referred?—No one was present but M'Shee, the magistrate; the M'Cormick who was saying those extraordinary things against me, and the clerk of the petty sessions who apologised to me for being present on the occasion.
- 95,655. Do you know whether Thompson left the neighbourhood immediately after you were charged?—I really could not say; I do not think so.
- 95,656. Had he been there up to the time of the charge against you, and the charge against Captain Dugmore?—I am sure he was there afterwards, because I think he came to see me in prison; so he must have been there afterwards.
- 95,657. I was going to suggest to you about his coming to you in prison. He saw you in prison the day after you were arrested, did he not, or two days after?—I could not say whether it was the day after.
- 95,658. You were only in a week, I think?—That is all. I got six months. But Miss Parnell told me to test the case, and go and do the same thing for which I had been committed, to see if I would be re-arrested. I did the same thing and no notice was taken of it; so it shows how frivolous the charge was.
- 95,659. Did you not know from what passed between you and Thompson that he left that place shortly after he saw you at Tullamore?—No, I could not say that he did.
- 95,660. You never saw him there afterwards, any way?—I really could not say.
- 95,661. Have you ever seen him since?—Once in Dublin.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,662. When?—I suppose about August of 1882, or whatever that year was in which I was imprisoned.

95,663. You have not seen him since?—Never, and M'Cormick knew very well he was perjuring himself when he said Thompson was No. 1. He knew that just as well as I do, and were it not for the fact that the Government alleged this man Tynan was No. 1, Constable M'Cormick would very likely have sworn I was No. 1.

95,664. Very well; we understand the criticism you have brought to bear upon M'Cormick's evidence. Just look at the gentleman in that photograph. Do you know that gentleman (*handing witness photograph*)?—I do not think I do.

95,665. You do not think you do. Hand it back to me a moment, please?—No, I do not think I ever saw that man.

95,666. That is not the least like Thompson?—Not in the least. If it is Thompson, it is a very bad photograph.

95,667. Not the least like Thompson?—Not the least like Thompson. Thompson wore a beard round in that way. I never saw a man like that.

95,668. You know McCloskey well?—I knew McCloskey well, and he was a full face man.

95,669. Will you undertake to say that is not a photograph of McCloskey?—It may be meant for McCloskey. If I saw a good photograph of the man I should be very willing to acknowledge it.

95,670. You have said it is not the least like Thompson?—Nor is it.

95,671. Is it not a very fair likeness of McCloskey?—Well, McCloskey and Thompson are one man: remember that.

95,672. That is your statement about the matter?—That is my statement and that is the true statement.

95,673. You have already told me that photograph is not the least like Thompson?—If that photograph is meant for Thompson, it is very unlike him. He was a man who wore a full beard.

95,674. It may be McCloskey, I understand?—I will not allow that any more, because Thompson, I have stated, and McCloskey are one man.

95,675. Now, I want you to listen to this carefully, Mrs. Delahunt kindly; do you know that from 1869 to 1881, of course you may not know so far back; but do you know that for years?—Oh, I was alive in 1861.

95,676. Kindly listen to me. Do you know that for years before the end of December 1881 there had been no single outrage of any sort or kind in the Frankfort or Broughal Castle district?—I never took any interest in those things as I told you; but I never heard of any outrage there afterwards. There was a policeman named Brown I think shot, but the impression in the country was that he had wronged some young girl, and it was the brother of the young girl who had shot him. That was the impression of the country.

95,677. When was Brown shot?—After I had left the country, I think.

95,678. Did you hear of Hugh Morgan's house being burned in March 1882 when you were actually there?—I do not know. I do not think so.

95,679. Will you undertake to say you did not? When you were actually in that neighbourhood at Broughal Castle was not Hugh Morgan's house burned and did not it create some excitement at the time?—Well, really I have no recollection of it. As I tell you, I forgot all those matters, because those are things that are happening every day.

95,680. Let me see if I can refresh your memory about it. Did you hear that Hugh Morgan's house had been burned, because he would not give up herding for a man?—Give up herding for a man; no, I never heard that. I never did.

95,681. Did you say anything to the people at any time about not working for landlords or for persons who evicted?—I do not think I did.

95,682. Come?—I recollect shaking my head at this man, a carman, for driving police. I said that, of course the police could insist on taking the car and horse, but they could not insist on the man driving it.

95,683. You shook your head at the man who drove the police?—It is possible I may have shaken my head at the man who drove the police, and for that I got six months.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,684. Did you ever say anything about the people not occupying evicted farms?—I think the people understood very well it was not a proper thing to do. There was no occasion for me to tell them.

95,685. Will you undertake to say you have never told the people they should not occupy evicted farms?—I think I may safely say I did not. They knew very well they should not do it.

95,686. They knew it well enough, did they?—They did.

95,687. Did you say anything to them at all about not being caretakers?—I do not believe I did.

95,688. Was that sufficiently well known?—I fancy so.

95,689. They did not want your instruction at all?—I think the countrymen ought to have known their own duty. There was really no occasion for me to remind them of it.

95,690. Did you ever happen to refer casually to the subject of boycotting?—I do not know.

95,691. Come; you really say you do not know? Do yourself justice?—I think that boycotting is absolutely necessary.

95,692. I wish to know whether you represent this to my Lords. On these occasions (and I put notably in connexion with your visit down at Broughal; Frankfort, I think the place is called), do I understand you to say you do not remember whether you ever referred to the subject of boycotting?—I told you there was no necessity for me to do it. I do not believe there were any boycotted people down there. King's County is a rather quiet place.

95,693. You did not refer to boycotting on any occasion?—I do not believe I did.

95,694. As a means whereby the people should be prevented from doing what you thought wrong?—I do not think so.

95,695. I understand you to say it was very wrong to pay an unjust rent?—Yes; I say so still.

95,696. Very wrong to take an evicted farm?—Yes; I say so still.

95,697. Very wrong to be a caretaker?—Well, it was not the correct thing, I think.

95,698. Very wrong to work for a man who takes an evicted farm?—I suppose you must boycott those men to try to bring them to a sense of duty.

95,699. Holding these views, you abstained from referring to the subject of boycotting altogether?—I do not say I abstained. I do not think there was any necessity.

95,700. Possibly you may have referred to it?—Possibly I may have referred to it if there was any necessity; but I do not think there was.

95,701. During the time you were at Broughal Castle was James Clavin's house blown up?—I heard of James Clavin's house being blown up—or not the house; that is not true, I think there was about *that* much gunpowder put near it.

95,702. Whether that much gunpowder or not, was the house injured by the explosion?—I do not think so.

95,703. Did you see it?—I do not think I did. I may have had that house pointed out to me going through the country, but I really am not certain.

95,704. Will you pledge your word that there was not an explosion outside or in the neighbourhood of James Clavin's house, and an attempt to injure the house?—Well, the police may have called it an explosion. They may have done it themselves. I really do not know.

95,705. Did it come to your knowledge that the man was supposed to have paid his rent?—I remember meeting James Clavin, I think, and being friendly with him; so if he had done anything wrong I do not think I would have spoken to him.

95,706. Did it come to your knowledge he was supposed to have paid his rent just before the house was blown up?—I cannot say.

95,707. Did that occur while you were staying at Broughal Castle?—I really did not blow up his house, and I know nothing about it.

95,708. Did you hear of William Horan?—Who is William Horan?

95,709. In the immediate neighbourhood. Did you hear of William Horan's house being burnt?—No, I never heard of a man named Horan in that district that I recollect.

95,710. Will you pledge your word?—I will.



17 July 1889.]

ANNE DELAHUNT.

[Continued.]

95,711. Now, was not William Horan denounced by name at a meeting of the Broughal Castle Branch of the League?—By me?

95,712. I did not say by you? Was he not denounced by name?—I have no recollection of it, I tell you.

95,713. Will you undertake to say that in your hearing at a meeting at Broughal Castle, William Horan was not denounced by name?—I tell you I have no recollection of it; and the ladies who met at Broughal Castle were simply two or three country girls, and there was never anything of the sort passed at the meeting.

95,714. Will you undertake to say that William Horan was not referred to by name at a meeting of the Ladies' League at Broughal Castle, at which you were present?—I will undertake to swear that such a thing never happened.

95,715. Nothing of the kind?—Nothing of the kind. Mr. Dugmore was generally present at the meetings, and about half-a-dozen country girls. It was not a very formidable branch.

95,716. Was his house burnt?—I really do not know.

95,717. While you were there, or a few days after?—I do not know.

95,718. You heard of Constable Brown being shot?—I heard of that, and I read it in the papers.

95,719. He was shot with a revolver supposed to have been taken from Captain Dugmore's house, I think?—There was no charge of anything of the sort ever happening. Yes, I heard that was alleged. Captain Dugmore shot rooks and gulls, but I do not know that he ever shot anything else. He may have shot your enemy. I do not know whether he ever fought or not.

95,720. Did you ever visit any other place after this Broughal Castle visit?—No, I do not think so.

95,721. Now, Mrs. Delahunt, did you visit any other place after that?—After Broughal House?

95,722. After Broughal Castle, which I put to you as having been in February 1882?—No, I do not think I did.

95,723. Did you go back to Castleisland?—No, I did not.

95,724. Never went to Kerry again?—No; never.

95,725. Where did you go?—I may have stopped at the hotel in Tullamore, and then perhaps went back to Broughal, and then to Dublin; I think that was it.

95,726. I am putting to you the months of May, June, and July. You told me you ceased to be an organiser in August 1882. I think I was all that time in King's County; in Broughal, I think, between Broughal and Tullamore.

95,727. I understand you stayed on at Broughal, did you?—After I came out of prison I went back there, I think.

95,728. You were only in prison a week?—That was all. Then I stopped in Tullamore again for a time.

95,729. When you came out of prison after that week had not Thompson disappeared?—I could not answer you that question.

95,730. Did you ever see him after you saw him in prison?—I saw him at Dublin.

95,731. I am speaking of down at Broughal?—I am not certain of that.

95,732. Will you undertake to say Thompson was ever at Broughal or in that neighbourhood after you came out of prison the second time, that is to say, in April 1882?—I am not certain; he may have been. It is quite possible the man was.

95,733. But was he?—I tell you I cannot really swear to it.

95,734. Now, what places did you organise in after April 1882?—I do not think I ever left the King's County after that.

95,735. You were organising there all the time?—I think so.

95,736. Going round to various parts?—Well, yes, I was most of the time, I think, at Broughal.

95,737. Making that your head-quarters?—Yes.

95,738. You were there most of the year 1882; I gather up to August?—I think I was in Dublin in July. I am not certain.

95,739. What did you do after 1882 to the time of your going to America. Did you give up organising for the Ladies' Land League?—Yes, when Land League ceased to exist.



17 July 1889.]

ANNA DELAHUNT.

[Continued.]

95,740. After the Ladies' Land League was put an end to by Mr. Parnell you had no more to do with the work?—No.

95,741. When did you last see that Mrs. Moore you met at Castletown Bear in December 1881?—I saw her in New York. She was going down to New Orleans.

95,742. Did you ever meet her anywhere else in Ireland, besides Castletown Bear?—I met her at her own trial in Claud, King's County.

95,743. There is one matter I must please put to you again. I am sorry to go back. Did you take down to King's County with you a large number of copies of the No-rent Manifesto?—It is quite possible I did.

95,744. Try and think?—Did a Mr. Mondred turn up there?—Never.

95,745. At any time?—Never.

95,746. You never saw him?—Never at all down there. Of course I have seen Mr. Redmond at Dublin, or Mr. Mondred as you call him.

95,747. I am giving the name which was given. Miss Lynch was a Ladies' Land League organiser?—She was.

95,748. Was she presented with a testimonial before she left?—I never heard anything about it.

95,749. You had nothing to do with it?—No.

95,750. Do you know when she left for Spain?—I do not.

95,751. Was it October 1882?—I could not say.

95,752. Did you ever see her after August 1882?—I saw her about a year ago. She was in Ireland.

95,753. But between August 1882 and a year ago did you ever see her?—No.

95,754. To the best of your information she was in Spain then. Very well. Did you meet Mr. George in 1882?—Yes.

95,755. At Captain Dugmore's?—Yes.

95,756. About what time was that?—That was about April, I think. I am not certain.

95,757. Did you see Mr. George's letter which he sent from King's County to the "Irish World"?—I do not think so.

95,758. Try and think?—No, I do not think I did.

95,759. Are you quite sure you did not?—Yes, I think I may say I am quite sure I did not. I very seldom saw the "Irish World." I think when I was in New York I heard he had written a letter.

95,760. Did you see it then?—No.

95,761. Did Mr. George show you the letter he was writing?—I did not meet Mr. George in New York.

95,762. I am speaking of when you met him down at Captain Dugmore's?—No, he did not show me a letter.

95,763. Did you see him?—I saw him, but not the letter.

95,764. And you did not see that letter as it was published in the "Irish World"?—I am almost certain I did not.

95,765. Quite sure?—I think I may safely say yes, I am quite sure I did not see it.

95,766. I only put it to you so as to refresh your memory. Did you not see a passage relating to what had been going on round Captain Dugmore's?—I do not think so. I tell you I very seldom saw the "Irish World" in Ireland.

95,767. I understand you had some recollection of it, but you think you only saw the letter when you got there in 1884 or 1885?—I tell you I heard about the letter; I did not say I saw it.

95,768. What did you hear?—That Henry George had written about me, or written about a drive I had given him. I drove him 10 miles, and I believe my driving did not suit him exactly; it was rather too quick.

95,769. Did you also hear something about what he had seen when he was riding round with Captain Dugmore?—No.

95,770. Or anything which would be interesting but rather dangerous to write about?—No.

95,771. You never heard of that?—No, I do not take much interest in newspaper reports, because they are very often inaccurate.

95,772. Did you know a man named Boland?—Dan Boland, yes, he was secretary, I think, to Captain Dugmore.



17 July 1889.]

ANNA DELAHUNT

[Continued.]

95,773. Have you seen Daniel Boland lately?—I have never seen Daniel Boland since I was in Broughal in 1882.

95,774. By the way, have you given a statement to anybody?—A statement?

95,775. Yes?—About what?

95,776. To Mr. Lewis?—No, I came here on my own account. The National Party, I think, did not know anything about my coming here.

95,777. Have you seen Mr. Lewis?—Except in Court.

95,778. Did you know him?—No, a gentleman told me Mr. Lewis was one of the gentlemen who sat there.

95,779. You did not know him by sight before?—No.

95,780. Have you given a statement to any Irish solicitor?—No.

95,781. None at all?—Nobody knew I was appearing here, I think, except my husband and myself. The reason I came here I stated in the opening of the case, because people were under the impression that I was paid for being silent, and it is simply to refute that, that I am here at all.

95,782. You are not paid, I understand?—Because there is no meaning in paying anyone for not appearing.

95,783. Did you know of Daniel C. Boland coming to London?—I have never seen Boland since 1882.

95,784. Was he secretary to Captain Dugmore?—Yes.

95,785. Where is he; do you know?—I have not the least idea.

95,786. You do not know whether he is in Ireland or England?—I do not know whether he is in Ireland, or dead or alive.

95,787. Daniel Boland was at Broughal all the time you were there?—He used to come there and do any work Captain Dugmore had for him to do.

95,788. Secretarial work?—Yes.

95,789. Used he to accompany you on your tours round among the people?—No.

95,790. You went alone, did you?—Yes.

Mr. CHARLES TANNER, M.P., sworn.

95,791. (*The President.*) Do you wish to make any statement?—I have come here, my Lord; apparently I am desired to be here.

95,792. (*The President.*) You were represented by counsel, and he informed us that you were going to be called as a witness. Therefore, now you are here you have the opportunity?—I will give you every facility I possibly can in the inquiry, my Lord.

Cross-examined by Mr. MURPHY.

95,793. I do not know whether you wish to make any statement yourself before I ask you questions or not?—I am here. If you wish to cross-examine me, I shall be most willing to be cross-examined.

95,794. If you wish to make any statement I suggest it would be a convenient time. If not I will proceed to cross-examine you?—Well, you can go on.

95,795. When did you enter the House, Dr. Tanner?—I entered it after the last election; I think it was 1885.

95,796. When did you first begin to take a public part in politics?—A few years before that.

95,797. And joined the Nationalist party?—No, I did not join the Nationalist party.

95,798. When did you become connected with the National League?—Of course, I am not quite certain about the date, but I rather imagine I joined it in the year 1884.

95,799. What was the particular branch?—The city of Cork branch.

95,800. In connexion with the National League did you become acquainted with its operations pretty generally through the county of Cork?—No, I cannot say I did.

95,801. Merely Cork City?—Merely Cork City. I did not go to any country meeting until in or about the month of April—I think after the month of April—1885. I am not quite certain about the date.

95,802. What district did you visit at that time?—I went to a meeting at a place called Glownagluck (the Stony Glen) beyond Coachford. That is the first meeting. I have reason to recollect it as the first occasion I opened my lips in public.



17 July 1889.]

CHARLES TANNER.

[Continued.]

95,803. Prior to that time had you become acquainted with the working of the League in Cork generally?—Oh, dear, no.

95,804. When did you first become aware of what was going on at Millstreet?—I practically knew nothing about Millstreet. On the first occasion I went to Millstreet I was the guest of Mr. Aubrey Wallace, of Shaen Castle. I went there with Mr. Moore Smith, who is since dead.

95,805. Could you give me the date?—No, I could not. I think it was a few years previously.

95,806. When did you go to that district again?—I did not go there again until I went there on the occasion of Mr. John Cronin's sale. He was the President of the National League at Millstreet.

95,807. Can you tell me when that was?—That was the date of one of the meetings—Millstreet, 15th December 1885.

95,808. Now joining the National League, did you become aware of the doctrines that were preached by those who were at the head of it in the county?—Well, I suppose so, in a general way.

95,809. Boycotting?—Well, I was very viciously boycotted at that time myself, and it was because I was viciously boycotted; because my practice in the city of Cork was destroyed. I was earning a very good income, my Lord, in the city of Cork before the month of April in that year; and when my business was destroyed by the Conservatives and supporters of law and order so called—self-styled—in the county and city of Cork the people came to my assistance. I was elected a physician and surgeon to several popular societies—the Irish National Foresters and the Grocers Assistants—some of the poorer people. I had previously made my living by the wealthier classes, and these people came to my assistance, and accordingly I took from that time out a greater part in politics than I had previously taken.

95,810. My question was whether you became aware that boycotting was one of the regular processes by which the National League sought to win people?—Well, I think it was not. To the best of my knowledge it was not.

95,811. Then I am to understand that you did not believe when you entered Parliament and became connected with the League that boycotting was practised to any extent in Cork by the National League?—I thought it was not generally enough practised; because I thought if Lord Bandon, who was at the head of the magistracy of the county of Cork, was perfectly free to preach a crusade against me to get me boycotted, as he said that he would have me turned out—that he would chase Charlie Tanner not only out of the city of Cork, but chase him out of Ireland by depriving him of the means of making his daily bread—if he, the head of the magistrates, saw fit to do that, I thought that the people, my Lords, would be perfectly entitled at any rate to practise boycotting in a moderate degree in order to enable them to sustain themselves and their wives and their little ones.

95,812. Then am I to understand, whether it was on personal grounds as you have pointed out—the ill-treatment you sustained or from other grounds,—you did become aware that boycotting was practised by the League?—As I said before, in a general way.

95,813. Not sufficient for your views, but still to some extent?—Yes, I thought they might boycott more practically, without, of course, having any recourse to outrage.

95,814. Was it your view that boycotting was a legitimate weapon even when the persons were named in speeches and resolutions of the Land League?—I tried to put it as well as I could. I went on my own treatment, and on platform after platform I have pointed out to the people that if boycotting was fair in my case that it was perfectly fair for them to practise it; that what was sauce for the goose, my Lords, was sauce for the gander.

95,815. Still you have not quite answered my question. Were you one of those who thought it was a proper thing to name a man and hold him up to odium in order that he might be boycotted and treated in that way?—Well, certainly; certainly, if it was fair for them to do it to me, I think it was perfectly fair for our side, or the side I now belong to, the National Party, to use the same political weapon that was used by the Tories in the county of Cork, and which is at the present moment used extensively by the Primrose League.

95,816. At the time you joined the League were you aware that boycotted people had often been subject'ed to outrage?—No, I was not aware of that. As I told you I



17 July 1889.]

CHARLES TANNER.

[Continued.]

was not very well posted up in the affairs of the National League or Land League. I knew nothing at all about it.

95,817. Did you become aware shortly afterwards that it was a very ordinary thing for people to be held up to opprobrium by the League and subjected to outrage?—No, I knew nothing about it.

95,818. When, first, if ever, did that come to your knowledge?—Well, I suppose that came to my knowledge—that outrages were committed upon people that were boycotted?—Yes.

95,819. Yes?—Well, I know nothing about it except from hearsay.

95,820. Did you hear anything about it in 1882 or 1883?—From the papers. I have heard of these things.

95,821. You have no reason to doubt that what was said on that subject is true?—I have reason to doubt many things that were in the papers.

95,822. Have you any reason to doubt that, speaking generally?—Speaking generally, I suppose that there is a grain of truth in a great number of the reports the papers contain, and accordingly in that way people who have been boycotted may have been the victims of outrage, a thing to be deplored.

95,823. The first public appearance you made, I think, was a little earlier than you put it. It was in April, at the time the Prince of Wales came to Cork, was not it?—Yes. I think I mentioned April 1885.

95,824. You were in company with Mr. John O'Connor, I think, on that occasion?—Yes.

95,825. I think you were in Court, were you not, when the evidence was given as to what occurred on that occasion, or possibly you heard or read it?—Who gave the account.

95,826. Mr. John O'Connor?—Oh, no. I was in Galway Gaol at the time.

95,827. You had not arrived. Have you read it since?—No, I have not. I was unfortunately not able to get the papers, my Lord. I was, I believe, entitled to these papers in gaol; but there was some difficulty in getting them.

95,828. (*The President.*) I gave directions?—I know.

95,829. (*Mr. Murphy.*) This is from the record from "United Ireland," of what Dr. Tanner is said to have said among other things. It is at page 5892.

"When passing by the college a Union Jack was torn from its post, and torn to shreds, amid cheers for Parnell."

Is that a fair representation of what occurred there?—I was not at Queen's College, and know nothing at all about it.

95,830.

"The last thing the Prince heard as he left the city was 'God save Ireland' sung along the quays by thousands of people. The performance was frequently varied with cheers for the Mahdi, Parnell, Croke, and the Czar, and groans for the British Government. The Nationalist mayor, Alderman Madden, was carried on the shoulders of the crowd, and Mr. John O'Connor, M.P., was loudly cheered."

(*The President.*) What are you reading from?

95,831. (*Mr. Murphy.*) From the account in "United Ireland," given in evidence at page 5892.

"Mr. O'Connor, Dr. Tanner, Mr. J. C. Flynn, and other speakers afterwards addressed a large gathering of citizens."

95,832. Is that accurate?—No. I did address a meeting from the windows of the Old National League. I can hardly call it an address, my Lord, it was a very stuttered utterance, I think that that was the first occasion that I ever spoke. I think that was the first.

95,833. Were you in company with Mr. John O'Connor on that occasion?—Well, I would like their Lordships to clearly understand that. When I say the first meeting I ever addressed was at Glownagluck, that was the first meeting in the country that I ever attended and properly addressed the meeting. I went down there to address the meeting. This meeting after the Prince of Wales' visit was merely a matter on the spur of the moment.

95,834. At all events you were with Mr. John O'Connor, I think?—Yes. My Lord, excuse me, I merely wanted to make it as plain as I possibly could.

95,835. I will not wait further on that subject?—As regards the tearing down of the Union Jack, I saw nothing of it.



17 July 1889.

CHARLES TANNER.

[Continued.]

95,836. You would not have approved of it if you had seen it?—Certainly not.

95,837. Now your next appearance that I want to ask you about was in August 1885. Were you at a place called Kealkil?—I was certainly.

95,838. Did you advise the people that anyone who did not join the League should be boycotted, and, if necessary, shot?—Certainly not.

95,839. The speech has been given in evidence, and I think by admission. It is the 29th of August 1885:—

“Dr. C. Tanner called on the people present several times for God’s sake to  
“boycott every man, woman, and child that would not be true, and join the  
“National cause. He told the people to be careful and not to purchase an article  
“from anyone but a Nationalist, and if this would not take effect the steel would,  
“by God.”

I see it is “the steel”?—I think, Mr. Murphy, “by God” was a word I never made use of in my life.

95,840. First of all, did you use the rest of that language?—Certainly not. My Lords, may I ask one question. When I was accused I asked for copies of these speeches, which were supplied to your Lordships, and I have never been supplied with these speeches. I wanted to find out where these speeches had been obtained—what was the source they were obtained from, whether they were obtained from a paper known as the “Cork Constitution,” or from the police reporters.

95,841. Dr. Tanner, who was your counsel until yesterday?—Well, there were several counsel.

95,842. Who was your counsel is my question. Do not you know?—I do, but will you kindly allow me —

95,843. Do not you know?—I say there were several counsel.

95,844. Who was your counsel?—There were several counsel. I was in gaol.

95,845. Do you not know who your counsel were?—If you will kindly give me time I will answer you, Mr. Murphy, if you will not be so impatient. I wrote letters, my Lord, to two counsel, Mr. Arthur O’Connor was one and Mr. Lockwood was the other.

95,846. My question was, who was yours?—Well, I do not know which. I wrote to two, and I do not know actually which was my counsel.

95,847. Are their Lordships to understand you seriously to say that you do not know who was your counsel?—I said that I have written to two counsel from Galway Gaol about my speeches. I have had answers from Mr. Arthur O’Connor and from Mr. Lockwood. Mr. Lockwood is the senior of the two. I suppose both of them would have had charge of my case, but I suppose Mr. Lockwood, being the senior, would be what you would technically term my counsel.

95,848. When did you go to prison?—I went to prison on the 2nd May.

95,849. As far as we know, Dr. Tanner, from the 23rd of October it was announced that Mr. Lockwood, Mr. Lionel Hart, and Mr. Arthur O’Connor appeared, amongst other gentlemen, for yourself; did you not know that when I asked you the question?—I was trying to let you understand. There were several counsel, and I did not know till you read it now—I may have seen it, but it scarcely attracted my notice about Mr. Hart.

95,850. Who was your solicitor?—Well, I presume Messrs. Lewis and Lewis.

95,851. Do you mean that you do not know that copies of these speeches were delivered to Messrs. Lewis and Lewis on your behalf as far back as November, and amongst others the speech I have just read?—Of course, I cannot tell you that. I have made applications again and again to try and get these speeches, and I have never succeeded in getting them.

95,852. Whom have you applied to?—I have applied to my counsel, and I have applied to Mr. Lewis.

95,853. That is somewhat serious. Do you mean personally to Mr. Lewis?—I have written for these speeches. I am very glad you have given me this opportunity. I wanted if possible to find out from what source these speeches had been obtained, and I wrote, and there appeared to be some difficulty in letting me have these speeches. Of course when a man is in gaol there are so many roundabout ways, so many forms have to be complied with. I had to write to Dublin Castle to get leave, and then I have to write to the solicitors, and then there is probably other business—more material business—occupying their time; but at any rate I did not get the speeches.



17 July 1889.]

CHARLES TANNER.

[Continued.]

95,854. Were you not aware that this speech was given in evidence long, long ago, many months ago, before you went to gaol, with the name of the reporter and his number attached to it?—All I can tell you, Mr. Murphy, is this, that I have not seen the speech that has been supplied to their Lordships, and I have obtained a copy of the Kealkil speech which was taken from the “Cork Daily Herald.” I have obtained that copy of the speech, but I have never seen a copy of the speech which is before their Lordships.

95,855. Were you aware this speech had been given in evidence long, long ago?—Of course I am perfectly aware that it was found; this speech was one of the speeches on which I am accused.

95,856. (*The President.*) And I understand you to say, knowing this speech had been given in evidence, you have obtained a report of it in the newspaper?—No, my Lords, not of the speech which your Lordships have a copy of, but the speech as reported by the “Cork Daily Herald.”

95,857. (*Mr. Murphy.*) The same speech?—The same speech.

(*The President.*) As reported in the “Cork Daily Herald”?

95,858. (*Mr. Murphy.*) I shall be glad to take it?—I will hand it to their Lordships.

95,859. (*The President.*) Have you the “Cork Dail Herald”?—Yes, I will hand it.

(*Mr. Murphy.*) Let me see it, if you have a copy.

95,860. (*The President.*) That will be the better course, to let Mr. Murphy see it?—I should like to know, my Lords, before I even hand this paper, what source that speech with which I am accused has been obtained from?

95,861. (*The President.*) Well, we shall see?—There is the copy of the “Cork Daily Herald.”

95,862. (*Mr. Murphy.*) You are aware the Counsel has admitted the speech as a correct speech?—I am not aware of anything of the sort.

95,863. You must settle that with Mr. Lockwood. This shall be read if necessary.

(*The President.*) I hope we shall not have to call Mr. Lockwood as a witness.

(*Mr. Murphy.*) No, I hope not.

95,864. Now, Dr. Tanner, I must really ask you as to this: is this, true that you called on the people for God's sake to boycott every man, woman, and child that would not be true and join the National cause. Did you say that or not?—Well, upon my word, it is very hard for me to say what I said at that date. To the best of my belief I did not.

95,865. Will you swear you did not?—I will not swear one way or other. I could not possibly say; but I think it is highly improbable that I did.

95,866. Will you say that you did not tell the people to be careful, and not to buy from anyone but a Nationalist?—Oh, I have frequently told them that; frequently.

95,867. Are you prepared to say that you did not also state that if this would not take effect the steel would, by God?—Certainly not.

95,868. I may tell you that the name of this reporter (it has been given in long ago to your Counsel) is Matthew Benns, No. 36,953?—There was no shorthand reporter at Kealkil.

95,869. In the face of that are you prepared to say you did not use those words?—Certainly. And if it was one of those longhand police reporters, all I can say is that they frequently swear to more than is Gospel. I regret to say so.

95,870. Is it the whole of the last line or only the two last words you deny? “If this would not take effect the steel would”; you deny that?—I deny it absolutely,

95,871. Now we will go to the next one.

95,872. (*The Attorney-General.*) The speech Dr. Tanner has handed is not the same meeting. He has perhaps another one up there. This is August 29th, 1885. That is July?—That is a mistake. That note at the side is a mistake. I was only at Kealkil once. I only made one speech there in my life and that is the speech.

(*The President.*) I want to understand this, as it is called in question. As originally printed it stood thus: “If this would not take effect the steel would be got.”

(*Mr. Murphy.*) Yes. Then there was a discussion about it, if I remember right.

(*The President.*) I do not remember that.

(*Mr. Justice A. L. Smith.*) No, I do not remember that.

95,873. (*The President.*) It has been altered in this copy before me into the word “God.” I do not know what that would mean. Would it have any meaning?—It is a vulgar saying, my Lord.



17 July 1889.]

CHARLES TANNER.

[Continued.]

95,874. What does it mean?—Making use of the name of the Almighty in a vulgar way.

95,875. (*Mr. Murphy.*) Your next speech I want to call attention to is one at Coachford on the 8th November?—That was not the next speech in the list. The next speech was Ballydehob.

95,876. The next one I propose to call attention to is this?—Certainly.

95,877. This is at page 710 in the speeches. Did you say this:—

“But hearing of a monster meeting being assembled in Coachford, to denounce those crimes which stain the face of the earth, to denounce land-grabbing and grass-grabbing, and the villains who lend themselves to such foul practices, I, after being nominated by Mr. Parnell, thought I would not be doing my duty if I did not come down here and take part in your proceedings to-day.”

Did you say that?—Very possibly. I frequently denounced land-grabbing.

95,878. Further did you say this:—

“We blame the evictor the one side, and we blame the grabber on the other. Now to my mind, the evictor is a mere bird of prey, something like the hawk, sometimes descending as low as the carrion crow, but when you want to get an actual land-grabber, you have to go to that foul bird, the vulture, to find him, a bird that fattens himself upon dead carrion, which is strewn about the land. One is merely a bird of prey, the other is a rapacious beast too low, too filthy, to take cognizance of, too low to denounce. He is like the leper in the east, or like that other gentleman; and like such a noisome creature, we should treat him in the only way in which he ought or can be treated; we should leave him severely alone; leave him to his noisome, pestilential company; let him revel in his own baseness.”

Is that the language which you used on that occasion?—Well, of course I cannot swear to every word of it.

95,879. The substance?—Well, I certainly have denounced land-grabbers to the best of my ability.

(*The President.*) To the best of your ability?

95,880. (*Mr. Murphy.*) I think not, my Lord; I have something still stronger?—At that time, my Lord, I was only a fresh convert from Toryism. Since I have associated more with my present colleagues I have gradually been improving.

95,881. (*Mr. Murphy.*) This paper I have here has to go away, I am sorry to say, to-morrow. I am told we have now got the “Cork Daily Herald” of the 29th of August, and there is no such speech in it. Now, Dr. Tanner, please justify this?—Can I go down and see this book?

95,882. (*The President.*) Yes?—If you will kindly hand it up to me I can identify it.

95,883. (*Mr. Murphy.*) You have a cutting?—This cutting was sent to me in gaol. It is of the Kealkil speech.

95,884. Does it give the date of the paper from which it is supposed to be cut?—Well, it may be from the “Examiner,” I do not know. I think it is from the “Herald.” That is the form in which it was sent to me in gaol. I think most of them have been taken from the “Cork Daily Herald.”

(*The President.*) I see it does not give the paper. Very likely that gives rise to the difficulty.

(*Mr. Murphy.*) At all events as far as the “Cork Daily Herald” goes, it cannot be found there.

95,885. (*Mr. Justice A. L. Smith.*) On the back it says, “Mill Street”?—You would not perhaps find it until the day after or two or three days after. The Kealkil speech was on the 23rd July. Probably if you look at the 24th or 25th July you will find it.

95,886. (*Mr. Murphy.*) The speech I am quoting to you is a speech of 29th August?—At Kealkil?

95,887. Yes?—I am quoting from the book called “Parnellism and Crime,” as published by the “Times,” a speech made by Dr. Tanner, on the 23rd July in the year 1885.

95,888. We are at cross-purposes, Dr. Tanner. Whatever day it was, did you use those words; that is the point?—I thought I had put that perfectly clearly; I was only at one meeting in Kealkil in my life, my Lords, and there is the copy of the



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17 July 1889.]

CHARLES TANNER.

[Continued.]

speech that I made at Kealkil, and I did not make use of those words. I am sorry if you misunderstood me.

95,889. Possibly ; if you will produce the paper we should like to see it.

95,890. (*Sir H. James.*) Is it a daily paper?—It is a daily paper. If you will kindly hand it up to me, I think I might find it. The meeting was on the 23rd July.

(*Mr. Murphy.*) The one I am speaking of is the 29th August. It is the report of the constable whose name and number are on the report.

(*The President.*) Why has it to go back to-morrow?

(*Mr. Murphy.*) I am told the witness is under subpoena to produce it elsewhere.

95,891. (*Sir H. James.*) I understand, my Lord, the trial is at Manchester on Friday. The witness can be here to-morrow morning surely with them and take them in the afternoon?—My Lord, I cannot find it at the date that Mr. Murphy makes mention of. The speech was made on Sunday, the last day in August. It would be reported on Monday, the 1st September, or on the following day, Tuesday, the 2nd September. I cannot find it in this volume, on either of those dates ; but I will call your Lordship's attention to this. This was the only information I had on the subject in gaol, Kealkil, July 23rd.

95,892. (*The President.*) That may account for your misconception as to the date ; but we want to get at the real report?—The paper I have handed in was sent to me in July. I will try and find it out to-night. I am perfectly certain it is in one of these.

(*Sir H. James.*) Dr. Tanner can have the use of that book for a quarter of an hour.

95,893. (*The President.*) Yes, that will be the better plan. You will have time quietly when we rise to look at it?—Thank you. I am sorry there is any trouble about the matter.

[Adjourned till to-morrow at 10.30.]

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Mr. Harris

“Uncorrected Proof.”

SPECIAL COMMISSION ACT, 1888.

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ROYAL COURTS OF JUSTICE,  
PROBATE COURT No. 1,  
Thursday, 18th July 1889.

(*Mr. Matthew Harris.*) My Lord, I would like to make one or two words of explanation with regard to my evidence yesterday. I mentioned, my Lord, that Mr. Egan and Mr. Brennan were members of the Fenian organisation. I should have also mentioned that for some years, previous even to my own resignation in 1880, they had severed their official connexion with the Fenian organisation on similar grounds, or nearly similar grounds, to those upon which I severed my own connexion with it, namely, their connexion with public movements, and that at the time of the establishment of the Land League neither of these gentlemen was officially, so far as my knowledge goes, connected with the Fenian organisation. That is all I have to add.

(*Sir H. James.*) There was a letter Mr. Harris spoke of, which bears upon the subject he has now spoken of, of the 19th December 1877. He spoke of the copy which was in—the one he had seen—as being misleading.

Further cross-examined by Sir HENRY JAMES.

95,894. Can you let us know where that letter to which you have referred, and which you have given the substance of, can be found *in extenso*. It is a letter of the 19th of December 1877, addressed to Mr. Kickham?—Yes, I can give you that letter in full.

(*Sir H. James.*) If your Lordship has no objection, we should wish that to be in.

(*The President.*) Very well.

95,895. Will you have the kindness to furnish it?—Yes, I will furnish it, and also one prior to that on the 4th.

(*Sir H. James.*) If you wish certainly.

95,896. (*The President.*) You promised to mark us the passages in the pamphlet?—Not in the pamphlet, my Lord, in the documents I have brought. I did mark some points upon which I should like your Lordship's views.

Dr. CHARLES TANNER recalled; further cross-examined by Mr. MURPHY.

(*The Witness.*) My Lords, I should like to make an explanation before the cross-examination is resumed. I would like your Lordships to understand that it was through no fault of mine that you were detained yesterday about these dates. The “Times” has been wrong again, my Lord, in the date which they give in this volume, which was supplied to me. They said the speech was delivered on the 23rd July 1885. The Attorney-General was also wrong in endeavouring to correct the “Times,” as he gave the 29th of August, but by searching through the volumes I found the speech was delivered at Kealkil on the 23rd August and reported on the 24th.

95,897. (*Sir H. James.*) That is what the Attorney-General said?—I found it in the “Cork Daily Herald,” but this is copy that I hold, and that I wish to hand in is of the “Cork Examiner.” It is very nearly identical with the report in the “Herald.”

95,898. (*Sir H. James.*) I think that is the date the Attorney-General gave, the 23rd August 1885?—The Attorney-General distinctly told us in Court yesterday it was the 29th August, and Mr. Soames in searching through the volumes first of all



18 July 1889.]

CHARLES TANNER.

[Continued.]

tried to find it in the days following the 29th of August, and in that way the mistake was made.

95,899. (*Sir H. James.*) The error was not an original error. At page 256 I see in his speech the Attorney-General says the 23rd of August?—Of course even the Attorney-General is not infallible.

95,900. (*Sir H. James.*) I did not suppose anyone ever had been.

(*Mr. Murphy.*) Are the words I spoke of in that speech?—They are not.

95,901. Now, may I ask you, are you still prepared to say you did not use them?—Certainly, to the best of my belief.

95,902. You will swear that?—To the best of my belief.

95,903. Does it occur to you that a possible explanation of this matter may be that the reporter did not choose to report words of the character I speak of?—I can be no judge of the reporter's judgment.

95,904. According to the report which is in the "Herald" did Mr. O'Keefe speak?—I would also like your Lordships to understand this is an "Examiner" report, and the "Herald" report is very nearly the same as this.

95,905. Is there anything about boycotting at all in the "Herald" report. I have not seen it myself. I am asking for information.

(*The President.*) That is the "Examiner" you are looking at?—This is the "Examiner," my Lord. I have spoken of boycotting.

95,906. (*Mr. Murphy.*) But in that speech. Possibly the better plan will be to have the speech itself. I shall have to refer to a similar matter with reference to another speech?—There is something about boycotting. It is referring to my own boycotting.

95,907. But with reference to boycotting generally; boycotting by the Land League, boycotting of land-grabbers?—No, I do not think I spoke much about boycotting land-grabbers. I did not know much about land-grabbers at that time.

95,908. Are there any words at all that would correspond with what I have suggested you used?—Distinctly not.

95,909. Calling upon the people to boycott every man, woman, and child who would not be true?—There are no words to that effect.

95,910. Then either the reporter must have invented these words, or they must have been omitted on purpose from the other report?—Distinctly.

95,911. And I collect from you that the class of language there is language which you never did use in public?—The language that you allude to about boycotting men, women, and children?

95,912. Yes, and violent language of that sort?—Well, I sincerely hope I would have more sense than that—boycotting children. I would also point out to your Lordships, and it is another extraordinary fact in connexion with the search for this speech, that Mr. Gilhooley's speech in the same volume of the "Cork Daily Herald" has certain portions underlined, evidently by the "Times" counsel or solicitor, and they have paid no attention whatever to my speech.

95,913. I am going to get the report, therefore I will not pause to examine you about that at present. On the 8th November 1885 did you speak at Coachford?—Yes, I spoke at Coachford.

(*Mr. Murphy.*) The speech will be found amongst the speeches at page 708. It has been proved.

95,914. Did you use these words?

"Now, my friends, I have told you that I did not intend to commence my candidature to-day, and you will excuse my inflicting those few remarks upon you. This meeting, I am told, has certainly been called to denounce grabbing of all kinds, be it land-grabbing, be it grass-grabbing, be it cattle-grabbing, or be it money-grabbing. Grabbing of all kinds and descriptions. We are called upon to denounce it, and denounce it we will. Now, my friends, although the land-grabber was not the initiatory agent in lending a hand to the extermination of our people, we find that in the outset the evictor was the true exterminator."

(*The Witness.*) My Lords, I would like to know whence this report comes; whether it is the report in the papers, and what papers. I hope I am entitled to that.

(*Mr. Justice A. L. Smith.*) John Condon is the reporter, according to my note.



18 July 1889.]

CHARLES TANNER.

[Continued.]

95,915. (*Mr. Murphy.*) I think so. It was proved at a time when you were represented by Mr. Lockwood and the other gentlemen you instructed?—Who is the reporter?

95,916. That is not a question I can answer. Did you use that language?—I could not be quite certain of the language I used many years ago.

95,917. Listen to the language, please.

“ Now, to my mind, the evictor is a mere bird of prey, something like the hawk, sometimes descending as low as the carrion crow; but when you want to get an actual land-grabber, you have to go to that foul bird, the vulture, to find him—a bird that fattens himself upon dead carrion which is strewn about the land.”

Did you use those words?—I may have used words to that effect. I have denounced land-grabbing as strongly as I could.

95,918.

“ One is merely a bird of prey, the other is a rapacious beast too low, too filthy, to take cognisance of, too low to denounce. He is like the leper in the east, or like that other gentleman; and like such a noisome creature, we should treat him in the only way in which he ought or can be treated, we should leave him severely alone; leave him to his noisome, pestilential company; let him revel in his own baseness. Now, my friends, if we will give this treatment to this class or creature, what are we to do to the men who sustain them? We have known and we have read that quite recently, there is a society which has arisen in our midst, a society which puts itself up as the I. L. D. U.—

I. L. P. D. U.

95,919.

“ Well, my friends, these initials I. L. D. U., they are copied from a society which existed in Ireland in time gone by. I allude to the men of '67, the I. R. B. Their initials mean the Irish Loyal Defence Union, which practically means a certain number of gentlemen, gentlemen with a point of interrogation, who are banded together to put money in their own pockets at the expense of all other classes; themselves first and everybody else after, and these men come forward with a long programme. These gentlemen who call themselves the Cork Defence Union, they put forward a long programme, and they tell us that they are coming forward to the defence of the boycotted creatures who have suffered from that iniquitous system that has been allowed in our midst by the League of Hell. They do not call it any other name; they would send us there quick enough if they only had power,”

and so on. Did you use that language?—I may have used language to that effect, but I hope better sense than is reported there.

95,920. Were there, to your knowledge, at that time in Cork many men who were boycotted for what you call land-grabbing?—No, I only knew of two people boycotted in mid-Cork at or about, or, I think, rather after, that time. I was only acquainted with the names of two people. One was Mr. Hegarty and the other was Dr. Cross. Dr. Cross was since hanged by Mr. Balfour.

95,921. Do you mean to tell me that you had not heard that, at that time, through the county of Cork generally, many people were suffering from boycotting?—I was suffering from boycotting.

95,922. Will you answer my question?—I could not.

95,923. Had you read in the newspapers, or heard that at that time numerous persons had been boycotted?—I have heard. I am telling you on my oath that I do not now remember the name of any others than those two I have given you, who were specifically boycotted.

95,924. That is not an answer to my question. I am speaking of a class. You have denounced the class in language you seem to approve of. Were there a number of people belonging to the class you speak of being boycotted at that time?—No.

95,925. You did not believe there were?—No. I was trying to get land-grabbers boycotted; it was for that purpose I spoke strongly. And I was also speaking more strongly upon this very point of boycotting, in order, if possible, to challenge Her Majesty's Government to prosecute me, in order that this boycotting might be seen out, whether it was fair to boycott me, because I went with the people, in the same



18 July 1889.]

CHARLES TANNER.

[Continued.]

way that they prosecuted numbers of the popular community who boycotted for the purpose of protecting themselves and their wives and families. I did it as a fair challenge.

95,926. You say you did not know people were being boycotted at that time?—I did not know of any individual case.

95,927. You go on to say this—

“ These gentlemen are coming to the relief of the boycotted.”

Who are the boycotted?—I did not know.

95,928. You answer the question yourself in the next sentence—

“ Who are the boycotted in the county of Cork? You will find, in the first instance, that there are very few landlords actually boycotted in the county of Cork. The unfortunate fellows—they are at their last gasp, and they are going, going, and at last gone. The landlords not being boycotted people, who are the boycotted people? I maintain the boycotted people are the grabbers—the grabbers whom we have come here to-day to denounce. These are the boycotted people.”

Yes.

95,929. How do you reconcile that language, if you used it, with the answer you gave me just now?—I am telling you I could not give you any names of any people who were boycotted in the county of Cork, and notably in mid-Cork, other than those two names I have given you. It was a general thing. I knew that boycotting was practised. I heard of its being practised, or read of its being practised. But it was only a general acquaintance I had with the subject. I knew nothing specific.

95,930. I may be wrong, but my recollection is that I asked you, not about names, but about a class. Was not that so?—Well, even about a class. I was not well informed upon the subject. I tell you I was trying to advocate boycotting to the best of my ability.

95,931. I will finish your phrase—

“ These are the boycotted people.”

That is, the landgrabbers?—But you must recollect I do not admit all that.

95,932. Do you deny it?—I cannot deny it, but I cannot admit it. You are going on pure hypothesis.

95,933.

“ These are the vultures; these are the lepers; these are the men who deface the face of this earth.”

You do not deny using that language?—I will not deny it and I will not admit it. I cannot do either one or the other.

95,934. At this time were you aware that Jeremiah Hegarty was boycotted? You mentioned his name just now?—I think some time after it.

95,935. Before this?—No, I knew nothing. I had only the very slightest acquaintance with Mr. Hegarty before this. I met Mr. Hegarty when I went down on the first occasion of my visiting Mill Street and I stopped at Shaen Castle.

95,936. What date was that?—I cannot tell you the date. It was some years before. Mr. Hegarty was in the employment of Mr. Wallace of the Shaen Castle.

95,937. On the 15th December 1885 were you present at a meeting in Mill Street [Page 1385]?—I was.

95,938. You knew of the existence of Jeremiah Hegarty at that time?—I was made more acquainted with him on that occasion than I was ever before.

95,939. Were you aware that he had been boycotted from the year 1880 or 1881 by the Land League of the place?—I did not know how long he had been boycotted.

95,940. Were you aware that he had been fired at in April of the same year?—I was not.

95,941. Do you mean that, Dr. Tanner?—Certainly.

95,942. When first, if at all, did you hear that the man had been fired at in April 1885?—In April 1885. Well, I heard nothing about it. I may have seen something in the papers. It was at a time I paid no attention. April 1885.

95,943. April 1885?—Well, I knew nothing about it.

95,944. Will you swear you did not see that in the papers or hear of it at the time it occurred?—Well, I could not swear that. I could not swear to what I saw in the papers in the year 1895; but I certainly swear to the best of my ability that on



18 July 1889.]

CHARLES TANNER.

[Continued.]

the occasion I went to Mill Street, on the 15th December 1885, I knew nothing about it.

95,945. Did you describe that man on that occasion as "a low, creeping reptile" living in their midst, who used all his influence in maligning the people," and, later down, as "a creeping louse"?—I certainly called him a louse upon that occasion; but I would like their Lordships to understand what occurred upon this occasion. I had been elected the Member for mid-Cork a very short time before, and Mr. Hegarty was, practically speaking, the only person in that district who organised any opposition; and to let your Lordships understand the character of that opposition, I was elected by very nearly a majority of 5,000 over my opponent, who only scored 112. I was a purely factious opposition, and Mr. Hegarty was the principal political opponent that I had to meet in Mill Street. I was not present at my own election. I had only come to Cork a few days before this date, and when I went down there it was the first opportunity I had of hitting back Mr. Hegarty for the way in which he had behaved during that election.

95,946. Did you know he had been boycotted for many years at the time you used that language of him?—I heard he had been boycotted, but only in a very general way. I knew very little about him.

95,947. Did you think your words, as elected Member for that constituency by what you call an overwhelming majority, would be likely to have effect on the people to whom your words were addressed?—No more effect in boycotting him than I had been boycotted myself.

95,948. Did you think they were likely to hold him up to outrage or opprobrium?—Certainly not; I always denounced outrage.

95,949. You were aware he was subsequently shot?—I heard that he had been shot, but I have my doubts about that very outrage from what I heard.

95,950. We will come to that later.

(*Mr. Justice A. L. Smith.*) Do you think he shot himself?—No; but I heard from people who were about there that the shot was fired off the car on which Mr. Hegarty sat. There were two policemen quite close by, and when these policemen challenged Mr. Hegarty to stop, instead of stopping he drove frantically on. It was a very strange coincidence. I was ready to denounce that as an outrage, if I had been satisfied in my own mind that it was properly proved, because I heard subsequently to that outrage about this other occasion when he alleged he was shot at and the police could find absolutely no trace.

(*Mr. Murphy.*) Your Lordships will judge about that explanation when I have read some other speeches to you.

95,951. Let me complete what it has been sworn you said on that occasion:

"He called Mr. Hegarty a low creeping reptile living in their midst, who  
"used all his influence in maligning the people amongst whom he lived, and who  
"was endeavouring to climb to the magisterial bench, but who would yet be  
"relegated to the lowest depths of a felon's cell."

95,952. On a subsequent occasion on that same meeting did you say this?

(*Mr. Murphy.*) I would like you to understand that that was no regular meeting at all. There was no meeting on the occasion I went down there to Mr. Cronin's of Ploverfield.

(*The President.*) I do not think that that is material if there was an assemblage of people.

(*Mr. Murphy.*) The evidence of the constable was he was present at a meeting in Mill Street when you were there.

(*The President.*) Never mind what you call it.

(*Mr. Murphy.*) I will go on with the language.

"He spoke again, and he called him an infamous being who did not deserve  
"the name of being, whose proper definition would be a thing, but since he  
"should call him a being he would call him the lowest of created beings, a  
"creeping louse. Later on he added as long as Mr. Jeremiah Hegarty is in your  
"midst, there will never be peace in Mill Street. Some time after he called upon  
"all those present who wished him out of the place to lift up their hands."



18 July 1889.]

CHARLES TANNER.

[Continued.]

And a large crowd lifted their hands up?—Yes, I thought from what I learned that day of Mr. Hegarty that the two people who had occasioned all the trouble that had existed in Mill Street were Mr. Hegarty on the one side, and Connell the moonlighter, on the other. I denounced both.

95,953. What was the offence which Hegarty had committed which induced you to use that language about him?—From all I had heard.

95,954. What was the particular thing he had done?—I wanted to let you understand.

95,955. No; if you will kindly answer my question?—Well, I am going to tell you.

95,956. If you will, I will attend?—I went down there to this sale at Mr. Cronin's of Ploverfield. Mr. Cronin was clearing his farm. All the tenants upon that estate, the Chinery estate, were being threatened with eviction, and they were trying to sell their stock, and when I went down there, the first thing I heard was that the whole business was being, practically speaking, done by Mr. Jeremiah Hegarty; that he was the *fons et origo*, not merely of the threatened evictions on that occasion, but had been of all the evictions which had occurred for some time past. From every side I heard Mr. Hegarty spoken ill of. I was unacquainted with the locality, and when I heard everybody denouncing Hegarty I put it to the people straight whether they wished him out of the locality; whether he was not the person who practically promoted disorder and disunion and trouble in the district.

95,957. You wanted him removed?—Removed?

95,958. Yes?—I wished that he would take himself away out of it. Certainly not removed in a wrong way, Mr. Murphy.

95,959. Amongst other offences he had committed had he refused to submit to the dictation of the local League?—I knew nothing in the world about that. I heard Mr. Hegarty under cross-examination here, and if you will recollect that occurred in the year 1881, when I had no connexion in the world with politics.

95,960. Have you heard that was one of his offences?—I have heard it subsequently. I heard it in this Court.

95,961. Now on the 3rd of January 1886, did you attend a meeting at a place called Ballyvourney?—I did, yes. May I say one word more about Mr. Hegarty, my Lord, while this evidence is being taken? There was another matter that prejudiced me very seriously against Mr. Hegarty. There were some very great friends of mine whom I attended in a medical capacity, Mr. M'Carthy of the county of Cork, he was at one time High Sheriff of the county of Cork. He took Mr. Hegarty from the Maccroom workhouse and set him up and employed him, and Hegarty got on very well, while he was employed by this gentleman; but subsequently Hegarty tried to rob him, and there was a case tried before the Master of the Rolls, when the Master of the Rolls animadverted in the strongest possible way on Mr. Hegarty's behaviour towards his employer and benefactor; and that I should certainly say helped to make me dislike the man particularly.

95,962. Does it occur to you, in common fairness, if you had these things in your mind, that Mr. Hegarty ought to have been cross-examined about them by your counsel when he was here, instead of your making these statements when he is not here to answer you?—Well, I supplied my counsel with a certain number of facts in connexion with this matter, but I had very little opportunity of searching into all these things, and many of these matters I have only since been absolutely able to prove.

95,963. Have you made one statement of the character that you have just mentioned in any of your speeches of Mr. Hegarty which you are able to prove?—Certainly.

95,964. Where?—At Mill Street.

95,965. When?—I think I can give you the date. It happens, my Lord, that by accident this is in my possession. In connexion with this report of the Moll Carthy's Bridge speech, I had at that time undertaken a tour, and the whole tour was reported on Tuesday, the 25th of January 1887, in the "Cork Daily Herald." I made use of these words as then reported. I called him a hideous scoundrel and disgrace to Mill Street. I said, "What was this miserable creature's history. He was taken from the Maccroom workhouse by John M'Carthy, of Rathduane. That gentleman took him



18 July 1889.]

CHARLES TANNER.

[Continued.]

“ up and adopted him. Ah! He nurtured a viper in his bosom, and they in Mill-street knew the return he made John M’Carthy.” That is all they say about that.

95,966. Is that because that was all you said about it or not?—I think I said more.

95,967. I had not a copy of that speech. Probably it will be convenient that I should have it. May I also ask you this in passing, that in proportion as Hegarty was unpopular in the district it would have been more dangerous to use words of this character, which you used to an excited mob, about him?—No, I always spoke against outrage. I wanted boycotting in the same way as I was boycotted myself, as I said before.

95,968. Now on the 3rd January, at Ballyvourney, did you use this language. The speech has not been proved yet. I must read the whole of it as Dr. Tanner is not represented by counsel. Did you describe Hegarty on that occasion as “ a foul, corrupt lump of carrion ”?—I may have.

95,969. On the 5th August did you again visit Millstreet?—While we are on this Ballyvourney speech, may I also read a paragraph to prove that I spoke against outrage. I implored and besought of the people to be calm and patient under their present trying circumstances. I said, “ These people were trying to promote outrage ” (speaking of Hegarty and all that crowd) “ by quietly observing law and order they would condemn them a thousand fold.”

95,970. One moment, Dr. Tanner?—May I finish this, that “ they would condemn them a thousand fold, they would make them practically swallow their own writs, they would be sending their bum-bailiffs to the right about, and they would be strengthening ten-fold their representatives who would go to speak in favour of Home Rule in an alien Parliament.”

95,971. On the 25th August, I think, you were again at Millstreet. My Lords, this will be found at page 1388. Did you say this: “ When the sore of a patient was irritated, inflammation set in?”

(*Mr. Justice A. L. Smith.*) What year is this?

(*Mr. Murphy.*) 1886, my Lord.

“ When the sore of a patient was irritated, inflammation set in, and that the inflammation now set in should be brought to a point, whether the lancet used was a rifle or a sabre.”

Further on did you say——

I certainly could not have said that.

95,972. Will you say that you did not?—Well, certainly, to the best of my ability, I would not say such nonsense.

95,973. We have a witness here who gave his account of that matter and was cross-examined?—I should not like to stake my professional reputation upon such a statement as that about inflammation.

95,974. (*The President.*) You do not stick to the figure of speech strictly, do you?—I always try when speaking on medical subjects to treat them with common sense at any rate.

95,975. (*Mr. Murphy.*) Further on did you say this?—

“ The people took the field and died in 1867, and they may be forced to do the same in 1887. Alluding to Mr. Hegarty, he said ‘ that landlord hireling, and him, Jerry Hegarty, that parasite of infamy, that no words would be low enough to describe, that louse, who fed on rotten carrion of those landlords.’ ”

Yes, this was after the second election.

95,976. On the 1st December I think you were one of those who escorted Tim Hurly when he was being brought to trial for having possession of dynamite?—I was one of those who escorted Tim Hurly to the court house.

95,977. You knew what he was charged with?—I knew he was charged with defending his castle.

95,978. With dynamite?—I heard that, that was a minor charge, that he had in his possession some dynamite; he was found hiding some cartridges, I think, that charge was dismissed if I am not mistaken.

95,979. The question is whether you escorted him?—I certainly did escort him, but I think the charge against him was dismissed. Your Lordships perhaps would like to know a little more about this occasion. On this occasion I had my head opened by



18 July 1889.]

CHARLES TANNER.

[Continued.]

a blow from a baton struck from behind. I was on a car with my friend, Mr. O'Connor. I had come from Bandon. I went down to Bandon on business on that day and I returned from Bandon in the same train with Hurly. There was a great crowd at the station, and I got on a car with my friend and colleague and I drove up to the court house, when a series of assaults were made on the people, and when I saw an old woman struck with a sword and knocked down in the mud by one of these policemen I jumped from my car and went over to remonstrate, and while I was remonstrating with the police I was struck by a baton from behind. I got a wound of about an inch long at the back of my head, and while I was lying in a senseless condition on the ground, some of the police, to their honour, saved my life, but some tried to kick my ribs in, and for that reason the magistrates brought in a true bill against District Inspector Milling, who was in command on that occasion, but the Government since quashed the finding.

95,980. I pass to the question I was putting to you after that explanation. On the 5th December did you make a speech at Inchquin?—I did.

95,981. That, my Lords, is to be found in the speeches at page 939. Just follow this—

“ Now is the time to stand stern and stedfast, not to let any man go behind the back of his brother man; any man who attempts to do so is a coward and a miscreant, and should meet with what those miscreants deserve. They should be branded with the sign of infamy and abhorred as men ought to abhor them. I trust there are not any in this district, and I feel certain that seeing your action, your noble and grand action, that you will bring others into the path which will lead to the emancipation of the Irish tenant farmer.”

—That was the plan of campaign.

95,982. Did you use that language?—I daresay I did. My Lords, I think this is questionable taste. This is the plan of campaign on the Ponsonby Estate, which is now a matter of universal comment, and I think Mr. Murphy should not have brought this under the consideration of the Court.

95,983. I have only to deal with your language, leading, as we suggest, to certain outrages?—To boycotting. I certainly do challenge your statement that any word of mine ever led to a single outrage.

95,984. On the 23rd January 1887 were you at Moll Carthy Bridge. This is at page 1484. That is about three miles from the place where you read a speech from just now, where Hegarty's name was mentioned?—Moll Carthy Bridge is some distance from Millstreet.

95,985. About three miles. You read a portion of a speech just now referring to Hegarty by name?—I could not tell you what distance. I do not know the distance. I was only there once in my life.

95,986. A short distance?—Only a short distance, a few miles; that was also a plan of campaign meeting.

95,987. The question is whether you used this language which has been proved against you by one witness at all events. At this meeting did you, referring to the police, say—

“ The mothers who gave them birth should be ashamed of them. He referred to the women of the district associating with the police, and said fathers and mothers should take care of their daughters and brothers should watch their sisters.”

Did you say that Millstreet had become historic, and that was due to the invincibility of the people of Millstreet?—Certainly. I was always very proud of the Millstreet people. I was a Protestant, and I was elected by a Catholic constituency.

95,988. What had the Millstreet people done to become historic beyond the outrage on Hegarty?—They were men of the finest physique in the whole of my constituency, they were always extremely kind to me. I never knew anything about Millstreet when I went down there; they illuminated the town, and behaved in the kindest way to me, and I praised them, and I always praised them up when I got an opportunity.

95,989. You understood their language and they understood yours?—I did not hint at any outrage.

95,990. When you spoke to the people at Millstreet was there, in your judgment, a thorough understanding between you and them?—An understanding? I hope I understand them. I try to represent them to the best of my ability.



18 July 1889.]

CHARLES TANNER.

[Continued.]

95,991. You spoke about their daughters speaking to the police. Are you aware that on the 4th February the Moonlighters went to a house of a man named Murphy, cut off the hair of his daughter, and tarred her head, telling her not to speak to the police?—Well, I would like to say——

95,992. Are you aware of that fact?—Yes, of course I am, but I would like you to understand that on many occasions I have told the women in my constituency to boycott the police. I have told them they ought not to be seen speaking to these policemen. I thought that would bring pressure to bear upon them, and make them more kind and civil to the people, and I have told the girls again and again to have nothing to say to these policemen. At Moll Carthy Bridge was not the only time that I gave them that advice.

95,993. (*Mr. Murphy.*) The evidence I speak of is found at page 1,485 for your Lordship's convenience, about Rubena Murphy?—About Rubena Murphy I will let your Lordships know this at once, it occurred in the month of April. I was in London at the time.

95,994. (*Mr. Murphy.*) February, Dr. Tanner?—Was it February. I was at any rate in London at the time. I at once wrote about it. I made an inquiry about it. It was denounced by the National League in Mill Street immediately afterwards, and I found out that the outrage was not altogether as bad as described in the paper. Of course I considered it an infamous thing, that it was a stain on the district, and I took the first possible opportunity when I was over in my constituency at Macroom, in the following autumn, to refer to it, and to tell the people they ought to be ashamed of doing such things.

95,995. Will you refer me to any speeches where you ever said a word of discouragement of that outrage?—Certainly. I spoke in Macroom.

95,996. If you can give me a reference I will search it up and save you the trouble?—I cannot give you the date now.

95,997. What paper is it in?—I should say either the "Herald" or the "Examiner," or perhaps both. I do not know the date.

95,998. If you cannot tell me the date or produce the paper I cannot investigate it further?—I have been in prison. I have not had an opportunity of hunting up these papers. I had all these dates with me, but of course I was not able to get hold of every speech I made.

95,999. If you can refer me to this I shall be happy to read it for you. The next speech is the 25th of January at Cooldorriby. That has not been put in yet—at least I am not sure that it has. Did you say this?—

"If a soldier enlisted in the army was required by his Colonel to march with his comrades to meet the enemy at the gap, fell out of the ranks, well he would be shot, do you mind. Well the men who will not obey me as their Colonel, and join the National League, well I would not say they should be shot, do you mind, but they should be roughly treated. But I won't be accountable for their lives, and may be the daylight would be seen through them in bullet-holes, do you mind."

I certainly never said anything of that sort. I have got a copy of that speech that I made.

96,000. I may say that there is one in already from "United Ireland," but I am going to ask you, nevertheless, will you undertake to say that you did not use these words?—I am perfectly certain I never made use of them. What is more, the police, on that occasion—I recollect it perfectly well. I went down to Cooldorriby, there was a squabble between two of the Leagues, they wanted to have a League in the north of the parish and one in the south, and it was determined that there should be only one League in the district, and I went down there to try and reconcile the differences which had existed. Certain speeches were delivered in a field. There were only a few policemen there, and they never came into the field while I was speaking. I donot know how they heard it.

96,001. Do you know Sergeant John Brady?—I do not.

(*Mr. Murphy.*) The version of the speech, I think, that Dr. Tanner refers to is found in "United Ireland," and was proved at page 2262.

(*The President.*) You say that is the speech Dr. Tanner referred to.



18 July 1889.]

CHARLES TANNER.

[Continued.]

(Mr. Murphy.) I think so ; he has a report.

96,002. What report have you got ?

(The President.) Do you mean in these words ?

(Mr. Murphy.) No, my Lord.

(The Witness.) I deny these words, my Lord.

96,003. (Mr. Murphy.) So I understand. What is the report you have got ?—The “Cork Daily Herald,” Wednesday, January 28th, 1887.

96,004. Was Mr. John Slatterly a speaker at that meeting ?—I believe so ; he said a few words, not much.

96,005. Did he use this phrase in your presence ?—My Lords, I maintain it would be absurd for me to say what Mr. Slatterly said some years ago.

(Mr. Murphy.) My Lords, my reference is wrong. It was a speech of January 1885. I am told in the proceedings it is spoken of as January 1886 at the bottom of page 2262. There is some mistake, but we will take the “Herald” report for the present, because probably we shall have to call a witness about this. (The “Cork Daily Herald” was handed to Mr. Murphy by the Witness.)

(The Witness.) There is some underlining there.

(Mr. Murphy.) Probably your Lordships will think the more convenient way will be to allow Dr. Tanner to put in at present that speech from the “Cork Herald,” and we shall ask leave to call a witness to prove what we say was said.

(The Witness.) I had intended to supply their Lordships with a copy of all the speeches as they are reported as I obtained them from Cork.

(The President.) I want to find the speech, as you say it is in the notes.

96,006. (Mr. Murphy.) It has not been proved yet. It is referred to, I think, by the Attorney-General in his opening at page 264, but we did not actually prove it. It will be sufficient that I put to Dr. Tanner the words I suggest he used. You deny that ?—Yes, I think there was only one report.

96,007. We will take the report as it is in the “Cork Herald” and put it in and call a witness to prove it ?—In order that your Lordships may clearly understand about the matter, I should say that the report that would have appeared in the “Examiner” would be very nearly the same as in the “Herald,” because to the best of my opinion there was only one reporter present and he would have supplied both papers.

(The President.) In the report you have before you now, do these words appear ?

(Mr. Murphy.) Personally I have not got any report, except the one referred to by the constable. Sooner or later this will have to be read. Perhaps the more convenient course would be to read it now.

(The President.) Very well.

96,008. (Mr. Murphy.) (Reading) :—

“Dr. Tanner, who was greeted with tremendous cheering, said that he came down there to give the last stroke before he resumed his Parliamentary labours, to do some work in one angle of his constituency. He heard that for a long time matters in that district were not going on in the way they should go. He heard that in Kilmichael some ruffians and traitors had been going around among the people creating dissensions, and he came down there determined to put his foot down on the miserable miscreants.”

Who were they ?—The people who were fomenting the disturbance.

96,009. Who were they, land-grabbers ?—Oh, dear, no.

96,010. What then ?—Men of the League fighting with one another, there were two sections, two parties, I thought I had explained that.

96,011. You did not say so. (Reading) :—

“They were about to turn over a new leaf, they were about to open a new chapter in the regeneration, and in the history of our native land. (Cheers.) They should put a stop to the state of things that existed there up to the present time, and they should be up and doing. (A voice, “You want to win.”) (Dr. Tanner.) Aye, they wanted to win and would win. He knew that from the faces which he saw around him—he knew that even from the faces of the policemen present. (Laughter and cheers.) There were only three men of the Royal Irish Constabulary there, and though he had been abusing them for a long time he should say that he knew that there were hundreds of them in the force who were with the people to-day.”



18 July 1889.]

CHARLES TANNER.

[Continued.]

“ (Hear, hear.) Of course they would be found occasionally going with the  
 “ landlords, and doing other objectionable things—breaking his head, for  
 “ instance. (Laughter). They were assembled there to carry on the old fight,  
 “ to reorganise the branch of the National League, for he regretted to say that  
 “ there had been some differences amongst them. He (Dr. Tanner) came there  
 “ to help to make up those differences, to help to bury them, and he was  
 “ determined that all the branches in his constituency should be perfectly sound  
 “ before going back to Parliament. He was their colonel, so to speak, and he  
 “ was promoted to the command of their regiment, and he was determined that  
 “ his men should be at his back when they went into the gap of danger.”

Those words, I think, are almost identical?—There is a very great difference, there are no bullet holes,

96,012 Up to that point the words seem to be substantially the same?—I would like to explain that the policemen were walking on the road outside the meeting.

96,013. I will read on:—

“ The Irish members, his colleagues, were doing their utmost to promote the  
 “ interests of the people, and they expected at least that organisation should  
 “ exist. He asked them, therefore, to lay aside their old feuds and join in  
 “ the organisation, and if there happened to be any coward, or any traitor, or  
 “ any renegade, they knew how to deal with him. (Cheers.) He (Dr. Tanner)  
 “ was always accustomed to speak strongly, and whenever he found a police  
 “ reporter present he felt more inclined to speak strongly. It was an extra-  
 “ ordinary thing, but he supposed it was one of the characteristics of the country.  
 “ There were only three policemen present, and he saw that they were in good  
 “ humour. The people, he resumed, are the masters of the situation now, and  
 “ they would yet be masters of the affairs and controlling the destinies of  
 “ our native land. Coming there that day he was not going to speak of  
 “ local matters *in extenso*, but he was glad to say that the tenant of Mrs.  
 “ Chinnery that had been evicted had been welcomed and received into  
 “ the houses of many men who were present at that meeting. They  
 “ were not going to allow any man to be hunted from his house, and  
 “ organisation would be the only means of preventing eviction. They had  
 “ behaved well towards that evicted tenant, but they should behave better  
 “ between themselves. They should not merely be a passive and a nominal  
 “ branch in the district of Kilmichael, but they should have an active and a  
 “ strong one. It was in Kilmichael the old banner of the Land League was first  
 “ unfurled; they might think that he was not aware of it at the time, but indeed  
 “ he was, and were they now going to fall back? He hoped that they would put  
 “ him in a position now to be proud of them by falling into line and making  
 “ their branch a prosperous one. (Cheers.) Mr. Slatterly was then introduced  
 “ to the meeting and delivered a very stirring speech. They should be proud of  
 “ their representative, he said, for all Ireland were proud of him. They did not  
 “ know his true worth there. His true worth was best known by his enemies,  
 “ the Orangemen of the country. He did not say anything with the intention of  
 “ flattery, but he should say that Dr. Tanner was tried and trusted, and well  
 “ deserved the name given him about two years ago, ‘Ireland’s darling.’ He  
 “ counselled them to act up to the advice given by their representative. After  
 “ the meeting an adjournment was made to the room of the National League,  
 “ where a committee meeting was held, at which business affecting the interior  
 “ working of the branch was transacted. Dr. Tanner, having observed a man  
 “ named O’Keffe speaking to the police during the meeting, insisted on his  
 “ apologising to him before he left.”

The language that I suggest you used in addition to what is there is this—

“ If a soldier enlisted in the army was required by his Colonel to march  
 “ with his comrades to meet the enemy at the gap, fell out of the ranks, well, he  
 “ would be shot, do you mind. Well the man who will not obey me as their  
 “ Colonel and join the National League, well, I would not say they should be  
 “ shot, do you mind, but they should be roughly treated. But I won’t be  
 “ accountable for their lives, and may be the daylight would be seen through  
 “ them, in bullet holes, do you mind?”



18 July 1889.]

CHARLES TANNER.

[Continued.]

I will point out to your Lordships what I originally stated, that I went down there not to try and get people to join the National League, but to reconcile the differences that occurred in the National League down there.

96,014. (*The President.*) So you told us before?—It would have been ridiculous accordingly for me to have made that statement.

96,015. (*Mr. Murphy.*) Did Mr. Slattery say this amongst other things?—I should suggest Mr. Slattery should answer for himself.

96,016. In your presence, is my question, did he say—

“They should take the advice of their representative, Ireland's darling, Dr. Tanner, and unite like one man to gain their independence by constitutional means, and if they failed, to say by God we'll gain it by physical force.”

I am sure I could not say for certain what Mr. Slattery said.

96,017. Did you make another speech on the same occasion and say this—

“Dr. Tanner told his audience—

I tell you this much, I will admit this. I have frequently said that if constitutional means failed with Ireland that I, for one, would be perfectly willing to engage in physical force means. Mr. Gladstone had failed.

96,018. Did you say this :

“Dr. Tanner, in a second speech, told his audience that when they would go to Macroom they should go round the shops and boycott every trader there who had not that wee little green thing, the card of the I. N. League, in their windows. Dr. Tanner, his companions, and some members of the meeting, moved off to a house in the neighbourhood and established a branch of the League, and all passed off quietly.”

Yes.

96,019. That is the report of Sergeant Brady, I am told, and his number is given. Do you deny that you used those last words?—Which last words?

96,020.

“They should go round the shops and boycott every trader there who had not that wee little green thing, the card of the I. N. League, in their windows.”

I am perfectly certain I never said anything of the sort.

96,021. I have taken you up to the 26th January. We know that the outrage on Reubena Murphy was in February, and in the month following was Hegarty, who you had been speaking of, fired at and wounded?—I heard so; yes.

96,022. Wounded?—I heard so.

96,023. What suggestion do you make, that he wounded himself or not?—I understood—I made an investigation as far as I possibly could when I was down in the district—I made inquiry about what had occurred on this occasion, and I was told that the impression amongst the people there was that the shot was fired from off the car on which Mr. Hegarty sat.

96,024. Shot by one of the people on the car?—Yes, most probably.

96,025. Intentionally or accidentally?—I cannot tell you that.

96,026. Did you read the evidence here?—I did not.

96,027. Were you in court when he was examined?—Only a part of the time.

96,028. Are you aware that he was cross-examined by Mr. Reid?—I was here when he was cross-examined.

96,029. By Mr. Arthur O'Connor on your behalf?—Yes.

96,030. And no suggestion of the sort was made to him?—I beg your pardon; well. I would like to set your Lordships right upon that point.

96,031. I am not aware that any suggestion was made by your counsel or any of those who examined him?—About the outrage?

96,032. Answer me, first of all; do you suggest that the counsel who represented you at that time had any information of the character you speak of in their possession, when he was here?—I cannot tell you what information they had.

96,033. Did you give them any information of the sort?—I did, certainly.

96,034. Before Hegarty came here?—I think at or about that time.

96,035. You are certain of that?—Yes.



18 July 1889.]

CHARLES TANNER.

[Continued.]

96,036. Which of them?—Mr. Arthur O'Connor, but I want to set your Lordships right.

96,037. Who was the person who gave you the information?—May I not explain what I want to?

96,038. (*The President.*) If it is with reference to this matter?—This relates to the second occasion I visited Millstreet, that was the meeting on the 15th August 1886; there was a mistake made by my friend and counsel Mr. Arthur O'Connor; he said I must tell you that it was after this meeting the windows of the Protestant church were broken; they were broken by two boys, two small boys, who were the sons of employes of Jeremiah Hegarty, that is what I heard.

96,039. (*The President.*) One moment, we were dealing with a much earlier period—1886, my Lord.

96,040. (*The President.*) Does this bear upon what occurred?—No, this was an incident that Mr. Hegarty was cross-examined upon, and I wanted to acquaint your Lordships with what I know about the matter.

96,041. (*Mr. Murphy.*) Whatever is most convenient I would wish to do?—I am a Protestant, and the windows of the Protestant church were broken, and they were broken by the sons of two employes of Jeremiah Hegarty.

96,042. (*The President.*) Give me the drift of this for I do not at present understand it?—The allegation was made that an outrage followed the meeting I had spoken at, and it was an extraordinary circumstance, that these boys were found guilty of having committed this outrage, two boys, Kaley, junior, and Cornelius Coonor, and they were sons of men whom, I believe, were men in the employment of Hegarty, so I was told. Mr. Hegarty, I believe, admitted he had been known to them.

96,043. (*Mr. Murphy.*) I want to get to the bottom of this?—That is about his being shot?

96,044. Yes, this is what he said; that he was coming from Millstreet Station with his son and his servant man in April 1887, and he was fired at again, that the first shot missed him and the second shot struck him on the shoulder, and on the right side of his head. Now, what is the information that you received, and from whom, upon which you suggest this other explanation of this affair. First of all, who gave you the information?—Oh, several people.

96,045. Name one Dr. Tanner; I mean to probe this matter if I can, to the bottom?—Well, I heard from John Riordan who was one of the men.

96,046. What did he tell you?—He told me that the general impression down there was that the shot was fired from off the car.

96,047. By one of the persons on it?—It could not have been fired off the car by anybody else.

96,048. I quite agree with that; those two persons were the servant man, and the son of Hegarty. Did you ask which of them he suggested had fired the shot?—I did not.

96,049. Who was John Riordan?—He was a member the National League in Millstreet, who also was a correspondent for some of the papers, a Cork paper.

96,050. Did he hold any office in the Land League?—I believe he did. I think that was before my time.

96,051. What office?—I think he was secretary.

96,052. Secretary?—I think so.

96,053. Did anyone else tell you this story; give me the name?—I am not very certain upon this point—I do not think he was secretary in my time, I think it was Mr. J. D. O'Connor who was secretary.

96,054. Did anyone else whom you could name tell you the story?—Well, there was a railway porter, who was in the employment of the Great Southern and Western Railway, I do not know his name, but he was porter down there at the time. I think he is now at Kings Bridge Station.

96,055. Did you ask Riordan how he heard this story?—This railway porter was on duty on that occasion.

96,056. Did you ask Riordan how he heard this story?—I think he heard it from the railway porter.

96,057. This railway porter, whose name you cannot give, is suggested to have told Riordan, and Riordan told you?—I saw the railway porter also myself.



18 July 1889.]

CHARLES TANNER.

[Continued.]

96,058. What did he tell you?—I had a very short interview with him; the occasion I met him was a very singular one.

96,059. What did he tell you, is my question?—He told me he believed the shot was fired off the car.

96,060. Did you ask him how he came to know anything about it?—He said he was on duty at the station.

96,061. Where did this occur?—I will just simplify this matter. I met this railway porter on a recent occasion—it is not so very long ago since I met him. I was going through Ireland, visiting all the Plan of Campaign stations, my Lord, and I entered Dublin on one evening, and I, of course, had to look out for fear of arrest. There were warrants out for my apprehension, and it was my intention to get into Parliament and to vote in my place on a certain occasion before I was arrested, and I accomplished all that; but when I came into Dublin, a very strange thing happened. I went to get some change, in order to pay off the carman—

96,062. (*The President.*) These details throw no light upon the matter?—I want to show you how I met this man—under what circumstances.

96,063. We do not care how you met him; what he said to you—what he informed you—is what we want to know?—I had a very short interview—a very hurried one—with him. I want you to understand that the interview was very short. I had to look out for fear I should be apprehended at any moment. Accordingly, I had only a very short opportunity of learning from him about this matter.

96,064. (*Mr. Murphy.*) What did he tell you?—He told me he believed the shot was fired off the car.

96,065. Did you ask him what knowledge he had to enable him to state that?—That he was on duty at the station.

96,066. (*The President.*) Do you mean by that that he was on duty in such a place, and could see what occurred?—I think so; I am saying to the best of my ability.

96,067. (*Mr. Murphy.*) Did he tell you so?—Yes; I am giving you an account to the best of my ability.

96,068. Did he tell you he saw it done?—He saw sufficient.

96,069. You say he told you that?—Yes, it was something to that effect, I cannot tell you the exact words.

96,070. How long ago is this?—Not very long.

96,071. Last week, or a month, or two months?—Oh, dear no, it was about a fortnight before I went to prison; that would be about the end of April.

96,072. April last?—Yes.

96,073. When did Riordan tell you this?—Well, when did the outrage occur?

96,074. In April 1887?—What was the next meeting I attended after that?

96,075. That I cannot tell you?—April 1887, I think I could tell you the date, it was the next occasion that I went to Millstreet. I only meant which is the next occasion I went to Millstreet; I do not know exactly.

96,076. Was it before or after you went to Ballyvourney?—I went to Ballyvourney in January 1886.

96,077. Well, you were at Ballyvourney afterwards?—Yes, but I do not know the date.

96,078. Was it before or after your next visit to Ballyvourney?—I could not possibly tell you. I could tell you this much, the time I went to Moll Carthy Bridge, that was in January, I am certain I did meet Riordan on that occasion, which is about nearly a year afterwards.

96,079. Do you seriously stand in that box and say you believe the occurrence took place from design or accident on the part of the son or the servant man of Mr. Hegarty?—I should not wonder at it.

96,080. Which of them do you suggest?—I would not say which, there are many similar plots hatched and carried out unfortunately in Ireland.

96,081. For the purpose of injuring the Land League?—Yes, certainly, my Lord, in addition to the Ballyvourney meeting.

96,082. I am told there is another speech immediately after the affair in the "Cork Herald" of the 30th May 1887 at Ballyvourney?—There is only one Ballyvourney meeting down in the list, my Lord; and I am only prepared with one, and that was the meeting proved the 3rd January 1886. This is some new speech which I have not



18 July 1889.]

CHARLES TANNER.

[Continued.]

got any information about. There were 11 speeches down in this list entered against me, and only one of those occurred at Ballyvourney. With that I have already dealt; I gave your Lordship a quotation from that; this is something extra, of which I have not heard before.

96,083. Here is what I find you are reported as having said at Ballyvourney in the "Cork Herald" on the 30th May. Sunday would be the meeting, and Monday would be the date.

(The President.) What year?

96,084. (Mr. Murphy.) 1887, the next month after Mr. Hegarty was shot?—Well, my Lord, I would suggest that I get some opportunity of finding out about this meeting before I am cross-examined upon it.

(The President.) We shall see.

96,085. (Mr. Murphy.) Any opportunity you want, as far as I am concerned, you shall have:—

"Hence those men who declare that they would wish to be our friends were doing everything they possibly could to make mischief here in Ireland, and their object in so doing was to deliver over the Irish people to the tender mercies of the little gang and their unfortunate dupes, and minions, who work evil in this country. (Hear, hear.) By the latter he meant the class of bum-bailiffs, and even the Royal Irish Constabulary. (Groans.) No, they should not groan them for they would be all on the popular side before long. They should treat every man according to his deserts. How did they know when they booked the police that many of the men among them may not possibly, if they had the power, go off to-morrow or next day, and join the ranks. He had not gone there on that occasion to abuse anyone, not even Jerry Hegarty (boos and hisses), because he was too low to abuse. There were some insects that crawl on the face of the earth that were too small to crush. There were certain insects that if one did happen to crush them they would smell. He did not want to abuse Hegarty or to crush him (laughter), but they could rest assured that every man who worked against his country, every man who was a renegade to Ireland and to her rights, would meet with his deserts. Therefore, he was there to speak to the true men and ask them as they had been true in the past, to be more true and firm and solid as this year of coercion went on."

At the time you used these words, did not you know this unfortunate man had been shot in the way you describe?—I cannot tell you about that meeting.

96,086. Will you say, in the presence of this Court, that you did not know that perfectly well?—About his being shot, I could not swear to it, certainly not. I could not swear to it, my Lord.

There were several other meetings which were put in, and to which no attention has been paid by the gentleman—by the learned gentleman who has been cross-examining me. I will call attention to another occasion, a meeting at Carrigrohane which would clearly show that I always advocated boycotting, but boycotting in such a way as was practised upon myself. I do not believe in intimidation, and I certainly do not believe in outrage; I have always denounced outrage, and on this occasion, at Carrigrohane, I made use of the following words:—

"That was coercion Sunday. On that day he would say they certainly should boycott,"

and I spelt the word out to the people b-o-y-c-o-t-t,

"anybody who was capable of trying to ruin their fellow men. If they wanted an example"—

of how they were to boycott—

"they had it in the case of the Rev. Mr. Anderson, a protestant clergyman," belonging to the same persuasion as I did,

"they had it in the case of the Rev. Mr. McAuley, another protestant clergyman, and some of them knew they had an example of it in his own humble person."

I said that on that occasion.



18 July 1889.]

CHARLES TANNER.

[Continued.]

Again, at the meeting down at Ballydehob, I made use of these words. I call your Lordship's attention to this report.

"Let them act as true as sterling Irish Nationalists should do, by promoting the welfare, and shielding from tarnish, the cause of Ireland as a nation, promoting it by joining its organisation and persuading others to do likewise; preventing its fair fame being sullied by repressing anything that could be construed by our foes as being an act of outrage, and in particular, by sternly setting your faces against all boycotting 'for selfish views or for private ends.' Support and forward every national project, remembering that when people respect themselves they will be respected by others."

Those words, my Lord, show clearly what I intended in advocating boycotting, *(The President.)* Have you exhausted the list of witnesses who were mentioned, who were about to give evidence. Is there anyone else. Perhaps, Mr. Lewis, you will inform us.

*(Mr. G. Lewis.)* I am aware of nobody else, anyhow. There is nobody else in Court.

*(Sir H. James.)* May I ask now to submit some proof with regard to some extracts my friend Mr. Reid put in from the "Cork Herald." They were handed to your Lordships. They were extracts put in for the purpose of showing condemnation of outrage. Your Lordship may recollect our attention was called to the nature of one or two of these extracts, and we undertook to compare them with the newspapers. We have taken that course, and I wish now to put in the context of some of those extracts. And also to put in portions of the reports of the same meetings, or the same transactions which occur side by side with them. My Lord, as to some, I will only say that while I am aware that with regard to my friend Mr. Reid, there is no responsibility in the matter, I regret very much that more care had not been taken with regard to these extracts. I will only call your Lordship's attention to them, and will say no more than that at present. As regards some of the extracts my learned friend read, I think your Lordship has a copy of them.

*(Mr. Justice A. L. Smith.)* No. [*A copy of the print was handed to the President.*]

*(Sir H. James.)* I am only going to take a comparatively few as examples.

*(The President.)* This is the paper from which Mr. Reid read. In what shape have you got these corrections made. How do you propose to prove it?

*(Sir H. James.)* I am afraid the only shape, in the absence of counsel on the other side, is by producing the paper itself which I have got here, and will read from. For my own instruction I have got a print of the extract. Whatever I read I will give your Lordships the copy of in print.

*(The President.)* I was only trying to see how we can get it formally on the note. Is anyone prepared to say they took it from the newspapers?

*(Sir H. James.)* There has not been so much time. I do not think the difficulty is very substantial. If your Lordship will allow me to read it I will give the copy to the shorthand writer, the newspaper is in Court of what I do read.

*(The President.)* There will be no difficulty. I shall have to get it in some way formally on the note.

*(Sir H. James.)* I can read it from the paper.

*(The President.)* Is there some one who will say the extracts are from the newspapers?

*(Sir H. James.)* I have the newspaper in Court, and it can be compared.

*(The President.)* That will do if it is seen in our presence, if some one will follow it, perhaps Mr. Murphy will do it as the secretary is not here.

*(Mr. Murphy.)* I will do it with pleasure.

*(Sir H. James.)* My Lord, the first speech I have to refer to that my friend Mr. Reid read, is under date of 18th October 1880, and I am not going to read anything from the newspaper. What I wish you should have is on the note. This meeting of which my friend Mr. Reid read a portion, is the meeting at which Mr. Healy spoke. It is in evidence, page 67 of the speeches, and is what we term the Cornelius Manning speech. I need not read anything from the newspaper as to that.

*(The President.)* I almost think the correct way will be for some one to check your reading from the newspaper itself. Mr. Cunninghame will do so now.

[*The Secretary came into Court, and the files of the "Cork Herald" were handed to him.*]



18 July 1889.]

CHARLES TANNER.

[Continued.]

(*Sir H. James.*) My Lord, the next speech is the 25th of October 1880. at Kilmallock the day before, page 3, col. 1. First, what appears in the extract put in, was this :

“ Land League meeting at Kilmallock, 24th instant, Rev. M. O’Clery, P.P. presiding. Mr. Michael Ryan, J.P. in seconding a resolution, said, that every-  
 “ one of them should be a peace officer and Land Leaguer. Mr. O’Sullivan said :  
 “ That the man who would use the expression ‘shoot the landlords’ was doing the  
 “ present movement a great deal of injury at present.”

Now, my Lord, what appears in the newspaper with respect to these particular words is this—

“ Mr. O’Sullivan said that the man who made use of such an expression at  
 “ the present stage of the movement was doing them a great deal of injury.”

That bears directly on the extract. The rest of the extract is—

“ The Rev. Chairman said :—They would never draw the people into rash or  
 “ foolish proceedings, but would secure their ends constitutionally and properly.”

That is correctly given, pointing out the difference in the words—

“ At the present stage of the movement.”

Which words do not appear, and I wish to read something that does appear. This will be, I presume, at the commencement, page 3, column 1—

“ People would say that he ought not to be there that day, and that he ought  
 “ not to be stirring up the blood of the people on this vital question.”

Apparently the British Museum do not allow us to mark the column so as to give an actual reference. Mr. Cunyngham—

“ People would say that there had been murders in the land, but if there  
 “ were murders he would ask what was the cause of them, and who are answerable  
 “ for them? (Several voices, the landlords.) He would say that the cause of  
 “ the murders was the half-hearted and deafear which the English Government  
 “ lent to their grievances. (Cheers.) (A voice—away with them.) There was  
 “ bloodshed in the matter of tithes, and O’Connell did not charge himself with  
 “ that bloodshed though he was agitating against the tithes. (Cheers.) And he  
 “ did not fear to tell them that the Government was the cause of it, and that he  
 “ was only the vindicator. (Cheers.) Murders had, indeed, been committed, but  
 “ the proper steps to consider was the wholesale murder of the people by  
 “ emigration and eviction. He remembered a Protestant rector having stopped  
 “ the making of any more graves in his graveyard. It was choked with the  
 “ victims of evictions. Great grievances had already been redressed. In their  
 “ agitation for their land they had conquered, and they were determined to  
 “ conquer again. (Great cheering.) In conclusion he impressed on the speakers  
 “ that came after him to be calm and moderate in their utterances. Mr. Michael  
 “ Ryan, J.P., in seconding a resolution said :—That every one of them should be  
 “ a peace officer and Tenant Leaguer.”

That agrees with what my learned friend, Mr. Reid, read. Then, my Lord, comes what Mr. O’Sullivan says :

“ Mr. O’Sullivan said that the man who made use of such an expression at  
 “ the present stage of the movement was doing them a great deal of injury.  
 “ (Hear, hear.) He called upon the people by a show of hands to express their  
 “ determination to strike down this terrible system of landlordism once and for  
 “ ever.”

I do not know whether that is a continuation ?

(*The Secretary.*) No, that is a little lower down.

(*Sir H. James.*) (*Reading*) :—

(“ Here all the men held up their hands and vowed to do so.) Ireland for  
 “ the Irish was the grand idea and motive of this organisation, the cause for  
 “ which Emmet died and for which others laboured.”



18 July 1889.]

CHARLES TANNER.

[Continued.]

The next is in 1881, February 19th, page 3, column 9 ; I will read what my learned friend Mr. Reid put in :—

“ Land League meeting, Castle Island, 17th inst., the Rev. Dr. MacGillacuddy  
“ and Messrs. Harrington of Tralee, and Mr. Boyton, Central Land League,  
“ attended. The latter said he was glad to have an assurance that no one im-  
“ mediately or remotely connected with the Land League was ever suspected of  
“ any complicity in outrages that had been committed, some of which were  
“ raids for arms at night” ;

Then these words follow :—

“ But it appeared that there were outrages which the police were going to  
“ commit very soon, and they were merely anticipated by the other perpetrators.”

It is a part of the same sentence, there is a semi-colon between them.  
Then 28th February 1881, page 4, column 3—

“ Land League meeting, Cork City, 26th instant. Mr. D. J. Riordan in the  
“ chair. Present, Daniel Ryan, T.C., John O'Brien, John O'Connor, &c. Mr.  
“ O'Connor said he had received a letter from Buttivant Land League, to the  
“ effect that the members had passed a resolution offering a reward to any person  
“ who would bring to prosecution the perpetrators of the outrage near that  
“ town.”

That is what is in my learned friend, Mr. Reid's, statement. Now, if you have got it,  
Mr. Cunynghame, please follow this—

“ Mr. O'Connor said he had received a letter from the secretary to the effect  
“ that the Buttivant Land League had passed a resolution offering a reward to any  
“ person who would bring to prosecution the perpetrators of the outrage near that  
“ town.”

Then Mr. Reid stops, and these words follow—

“ And asking the League for an expression of opinion from the Cork Land  
League upon the subject. He (Mr. O'Connor) begged to suggest to the writer  
that they ought to allow the Government to do their own police work.”

That, my Lord, is a continuance, and there is only a comma between the two portions,  
the latter is not in the portion put in by my learned friend, Mr. Reid. Then the 20th  
of May 1881. This is Mr. Reid's copy—

“ L. L. Meeting, Millstreet, 19th instant. Mr. J. J. Cronin in the chair,  
“ said, We have nothing at all to do with outrage. (Hear, hear.) Mr. Riordan  
“ said, We have over and over again formed resolutions condemning outrages ;  
“ they are wrong in a moral sense.”

Now, I will read your Lordship what really appears in the paper—

“ Mr. Corkery said he . . . . saw Guerin, who said he had been  
“ questioned by the police as to who were the members of the armed party of the  
“ previous night.

“ Mr. O'Sullivan : What has this to do with the League ? Certainly, it was  
“ not we who fired the shots.

“ Several members : No, no.

“ The chairman : We have nothing at all to do with the outrage. (Hear,  
“ hear.)

“ Mr. Riordan : We have over and over again formed resolutions condemning  
“ outrages.”

(Then occur these words)—

“ Which get people arrested. Besides, they are wrong in a moral sense.”

That appeared in Mr. Reid's copy thus—

“ We have over and over again formed resolutions condemning outrages ;  
“ they are wrong in a moral sense.”

(Cutting out the words “ which get people arrested. Besides.”) Those words are cut



18 July 1889.]

CHARLES TANNER.

[Continued.]

out of that sentence ; so that, according to the copy put in, it would appear that the outrages are wrong in a moral sense. According to the speaker they were “ which get people arrested. Besides, they are wrong in a moral sense.”

“ The meeting refused to hear any further reference to the matter.”

That appears in the paper.

“ Mr. Riordan said some time since they voted a sum of 50*l.* to the families of the two men who had been sentenced to twelve months imprisonment at the last assizes, and he hoped the neighbouring branches of the League would subscribe towards making up that sum. (Hear, hear.) The gardens wanted a second earthing, and he hoped the farmers would assemble on the next fine day and do the job. (Hear, hear.) ”

Then the next is the 25th of July 1881, page 3, column 3. This is my learned friend's copy :—

“ L. L. meeting, Grenagh, co. Cork, 24th inst. Mr. Patrick Heffernan in the chair. Proposed by Mr. John Downing, P. L. G., and seconded by Mr. Jno. Walsh, and adopted, that we take this opportunity of disclaiming and discountenancing outrages of any kind.”

My Lord, the resolution is in these terms in the paper :—

“ The following resolution, proposed by Mr. John Downing, P. L. G., and seconded by Mr. John Walshe, was also adopted :—That we take this opportunity of disclaiming and discountenancing outrages of any kind.”

It is so far correct.

“ as we find that the parishioners had to pay very heavily for supposed outrages and burnings.”

That is cut out. There is a full stop put in my friend's copy at “ kind ” ; there really in fact is only a comma, and the words which follow “ as we find that the parishioners had to pay very heavily at present for supposed outrages and burnings,” are entirely excised from my friend's statement of the resolution. Then there is a statement, which I will read, though I do not know that it is so material as the other. In the same paper, at the same meeting, there is a statement by the Reverend Mr. Lenihan.

(*The President.*) That is not referred to in this.

(*Sir. H. James.*) No, this is an *addendum* rather than a correction. This is adding to it. It is the same meeting. Mr. Lenihan said :—

“ He had been connected with the parish for four years, and he was not aware that any person in it had been convicted of an offence that could be called extraordinary or unusual. The only thing that occurred was the outrage upon the bailiff Foley, but while abusing the perpetrators of that outrage, Sir George should have recollected that Foley was engaged serving writs of Mr. Hutchins, who did not treat them with ordinary justice, when the other landlords in the parish had come to terms with their tenants.”

Of course, my Lord, I read this as my friend's view was that these were denouncing outrages.

Then August 23rd, 1881. My friend's extract is :—

“ Proposed by Mr. J. O'Donoghue, seconded by Mr. Conway, and unanimously resolved :—That as outrages of every kind can only bring discredit on our just cause, we once more call upon our people to denounce them on all occasions.”

What appears in the paper is this :—

“ Proposed by Mr. J. O'Donoghue, seconded by Mr. Corkery, and unanimously resolved :—That as outrages of every kind can only bring discredit on our just cause, we once more call upon our people to denounce them on all occasions,”

That is, as I have read it, from Mr. Reid's copy. Then this continues—

“ as we greatly dread that a plot is being laid to goad the people into a collision with the military by those responsible for the peace of the district, and



18 July 1889.]

CHARLES TANNER.

[Continued.]

“ we therefore advise the people to be on their guard, and give those in authority  
 “ no reason for shedding innocent blood.”

That is left out. The comma is changed into a full stop. Then, the 31st of August 1881, Kilmeen meeting. This is what is put in by Mr. Reid:—

“ The chairman said he regretted to have to speak in condemnation of the  
 “ outrages which had been committed in the district within the past week. Who-  
 “ ever the perpetrators were they were the greatest enemies of the Land League.”

Then there is a second resolution. I will read this first. What appears in the paper is this— :

“ The chairman said he regretted to have to speak in condemnation of the  
 “ outrages which had been committed in the district within the past week. . . .  
 “ Whoever the perpetrators of these outrages were they were the greatest enemies  
 “ of the Land League.”

It is so far correct. Then come these words:—

“ And those parties so injured will be amply compensated for any injury  
 “ sustained by them.”

All that is left out. Then—

“ Mr. J. Kingston proposed, and Mr. D. McCarthy seconded, the following  
 “ resolution.”

This is according to Mr. Reid--- :

“ That we, the executive of this branch of the Land League, condemn, on our  
 “ part the outrages to property committed in this district within the past week.  
 “ Mr. McCarthy, in seconding the resolution, spoke strongly of the wickedness  
 “ and folly of any person committing such outrages.”

Now what appears in the paper is this:—

“ That, we, the executive of this branch of the Land League, condemn, on our  
 “ part, the outrages to property committed in this district within the past week.  
 “ Mr. McCarthy, in seconding the resolution, spoke strongly of the wickedness  
 “ and folly of any person committing such outrages.”

It is so far correct, but the sentence runs in this way:—

“ Mr. McCarthy, in seconding the resolution, spoke strongly of the wickedness  
 “ and folly of any person committing such outrages, as the poor, struggling, rack-  
 “ rented farmers would have to pay heavily for them.”

Those words are struck out and a full stop placed where there was a comma. Then the 8th of September 1881. This is the copy put in by Mr. Reid:—

“ L. L. Meeting, Charleville. 7th inst., Rev. T. O'Kelly, C.C., in the chair, said  
 “ in reference to some burnings that had taken place in the district, that it was  
 “ unnecessary for the League to express their thorough condemnation of this  
 “ system of burning that was going on through the country. There must be some  
 “ combination in the matter. It might be the work of one or two miscreants.  
 “ Their prospects in the country were ruined if they gave any toleration to this.  
 “ The burnings were worthy of the devil himself. He must enter his thorough  
 “ condemnation of these acts. The Rev. Father O'Leary said the chairman had  
 “ condemned the burnings as they deserved to be condemned.”

Now, my Lord, what appears in the paper I will read to your Lordships.

“ Rev. T. O'Kelly, C.C., in the chair, said, in reference to some burnings that  
 “ had taken place in the district, that it was unnecessary for the League to express  
 “ their thorough condemnation of this system of burning that was going on  
 “ through the country. There must be some combination in the matter. It  
 “ might be the work of one or two miscreants. Their prospects in the country  
 “ were ruined if any toleration were given to this.”

That is correct. Then this is cut out:—

“ Those persons whose hay was burned would apply for compensation, and  
 “ the expense would have to be borne by the farmers. The landlords would not



18 July 1889.]

CHARLES TANNER.

[Continued.]

“ have to pay for it. He was perfectly sure it was not the work of many labourers. It was the work of one or two miscreants in every district. (A voice, ‘Perhaps it is the police.’) The chairman said, that instead of advancing the cause of the labourers, it was only injuring them.”

Then my friend’s sentence is now picked up again.

“ The burnings were worthy of the devil himself. He must enter his thorough condemnation against those acts.”

In my friend’s copy the words, “ those persons whose hay was burned would apply for compensation, and the expense would have to be borne by the farmers,” is all struck out.

“ He must enter his thorough condemnation against those acts.”

Then the previous thread of the sentence as to taxation is again taken up.

“ They would be the means of putting taxes on them which they would not be able to bear.”

Those words are struck out of my friend’s copy.

(*Mr. Justice A. L. Smith.*) What is the number of the page where these were put in originally?

(*Sir H. James.*) Page 5525. Then the 17th October 1881. I think it is at Limerick city but it is not in Mr. Reid’s copy. It is page 3, column 1. My Lord, this is what my friend Mr. Reid put in.

(*The President.*) It is said to be a meeting at Clonmel. “Indignation meeting in Clonmel.”

(*Sir H. James.*) It is not so in my copy.

(*The Secretary.*) It is not at page 3, column 1.

(*Sir H. James.*) On that date, the 17th October 1881, we do not find any Clonmel meeting, but we find it in Limerick, in which Mr. Abraham says the words mentioned by Mr. Reid, so I think my Lord it must be a Limerick meeting. It is the mistake of whoever instructed my learned friend. This is what my friend put in.

“ Mr. Abraham said,—They depended on the moral support of the world.”

(*The President.*) It is in the same paper I daresay as the Clonmel meeting, because I see there is a separate heading. “Indignation Meeting, Limerick City Land League.”

(*Sir H. James.*) And Mr. Abraham speaks at it.

(*The President.*) Yes.

(*Sir H. James.*)

“ Mr. Abraham said,—They depended on the moral support of the world.

“ He was confident that the people would offer a passive resistance in the great trial through which they were now passing, and that they would not allow their passions to be carried away beyond the bounds of prudence.”

Then, my Lords, comes, added, what is not in my friend’s copy—

“ and thus give an opportunity for Forster and his Bashi-Bazouks to shoot them down, as he believed was their desire.”

That portion of the sentence is not put in. Then the 19th March 1883, page 4, column 2. My friend’s copy is this:—

“ I. N. L., Cork City, 17th instant, Mr. James O’Connor presiding. Present: W. J. Lane, T.C., John O’Connor, &c. In proposing a resolution Mr. R. Cronin, T.C., said,—Under that Government the people were not getting any thing better; they were only getting mad. He who committed a crime at present injured the cause of the country.”

What appears in the paper is this,—

“ In proposing a resolution, Mr. R. Cronin, T.C., said that in this country the British Government never granted anything except by organisation, and it was only when a little harm was done that the Government gave something to the people, when it was forced from them, and the people became hopeless and reckless, as they were at present . . . .”



18 July 1889.]

CHARLES TANNER.

[Continued.]

That is not stated in Mr. Reid's copy—

“ Under that Government the people were not getting anything better ; they  
“ were only getting mad. He who committed a crime at present injured the  
“ cause of the country.”

That is given, but then come these words :

“ Though they were many reasons for committing it they should forbear  
“ . . . .”

And those words are left out. Then the 14th May 1883, page 3, column 4. In Mr. Reid's copy, my Lord, it appears in this way :

“ I. N. L., Duncannon, co. Waterford, 13th May. Very Rev. Canon Doyle,  
“ P.P., in the chair, said (speaking of the Phoenix Park murders)—

Your Lordship sees it is “ murders,” not “ murderers,” put in.

“ These men had sinned gravely and they had to answer for it. It made  
“ one's blood freeze in his veins, and it called up the words, ‘ God may forgive  
“ ‘ these crimes, but man cannot.’ ”

Now, I will read to your Lordship what does appear :

“ The chairman, in the course of his speech, referred to the dreadful tragedies  
“ now being enacted in Dublin. God forbid that he should say a word to increase  
“ the gloom that was hanging over the unfortunate families of the men who were  
“ condemned to death, or the still more unfortunate families of Carey, the  
“ informer, and his fellows. These men had sinned gravely, and they had to  
“ answer for it. It made one's blood freeze in his veins, and it called up the  
“ words, ‘ God may forgive these crimes, but man cannot.’ ”

Your Lordship sees in the copy put in by Mr. Reid there is no reference to “ the families of Carey, the informer, and his fellows.” The words, “ these men had sinned gravely,” follow those words. Then, my Lord, the 1st of April 1884, page 4, columns 1. This is the quotation by Mr. Reid :

“ I. N. L., Maurne Abbey, 30th March. Rev. J. D. Guen, B.D., C.C., in the  
“ chair. Present, John O'Connor and J. C. Flynn, Cork. Mr. O'Connor said :—  
“ ‘ Then it was that that great Irishman (Mr. Davitt) on his return from “ the  
“ ‘ land of the free and the home of the brave,” uttered the celebrated denuncia-  
“ ‘ tion of those outrages which had done so much to retard the progress of the  
“ ‘ movement he had set on foot. It was a fact worth noting that such men as  
“ ‘ Davitt and the Redmonds, when they came back from those countries that  
“ ‘ were blessed with free institutions, scarcely set foot on Irish soil when they  
“ ‘ felt it their duty to tell the people that outrage and violence were alienating  
“ ‘ the sympathy of many of their countrymen abroad.’ ”

In the paper the words I have read are all there.

“ Then it was that that great Irishman (Mr. Davitt) on his return from ‘ the  
“ ‘ land of the free and the home of the brave,’ uttered the celebrated denuncia-  
“ ‘ tion,”

until we come to the end of what I have read—

“ when they felt it their duty to tell the people that outrage and violence were  
“ alienating the sympathy of many of their countrymen abroad.”

Then Mr. O'Connor proceeds—

“ For himself he (Mr. O'Connor) had to say that he never yet denounced outrage.  
“ And why ? Because he would not gratify the Government so far as to do so.  
“ The English Government did not place any trust or confidence in men like him,  
“ and since they took all the responsibility on themselves, let them have it,”

That portion of Mr. O'Connor's speech is left out.

“ For himself, he (Mr. O'Connor) had to say that he never yet denounced  
“ outrage. And why ? Because he would not gratify the Government so far as  
“ to do so.”



18 July 1889.]

CHARLES TANNER.

[Continued.]

This extract was put in as a proof that Mr. O'Connor had denounced outrage. Then the 8th September 1884, page 3, column 8. The extract put in by Mr. Reid was this:

"I. N. L. Demonstration, Carrick-on-Suir, co. Tipperary, 7th instant. Present: Messrs, Mayne, William O'Brien, Marum, P. J. Power, and Kenny, M.P.'s. Mr. William O'Brien, M.P., speaking, said:—The Irish people possessed the power of making themselves heard without the help of either dynamite or daggers, or ringing the chapel bell in Mr. Gladstone's ear, and of making him hear if he was as deaf as the Seven Sleepers."

My Lord, this is not so strong a coincidence, but I wish to read what did occur:—

"Mr. William O'Brien, M.P., said. . . . The latest thing Lord Clifden had done was to offer 500l. reward for the restoration of fox-hunting in Kilkenny. He wished them to provide sport for his friend Earl Spencer now the times are dull and the hanging season is over. He trusted he might say for the men of Tipperary they would have no stain of Myles Joyce's blood upon their hands. . . ."

Then there is a break, I think.

"When a man like Mr. Gladstone (cries of 'Down with him')—he did not really mean to speak unkindly of Mr. Gladstone when he called him the best of the cut-throats—when an English gentleman even of his great mind told them he never once heeded the cry of famine or suffering in Ireland, but that he woke up instantly at murder and insurrection, he was teaching the Irish people a horrible lesson, a lesson which, thank God, the Irish people need no longer practice."

Not a word of that is put in up to this point. Now the quotation commences,—

"For they possessed now the power, without the help of either dynamite or daggers, of ringing the chapel bell in Mr. Gladstone's ear, and of making him hear it if he was as deaf as the Seven Sleepers."

Then the 16th March 1885, page 3, column 2. This is the extract which was put in,—

"I. N. L., Churchtown, North, 15th instant. Rev. Father Williams in the chair. Mr. Thomas O'Brien, secretary, said:—They called on the people to be energetic, firm, and self-reliant. Let there be no outrages. There were two sayings of O'Connell which they should take deeply to heart, namely, 'Be who commits a crime gives strength to the enemy,' and 'England's difficulty is Ireland's opportunity.'"

I should like to read the whole of that. This is the real speech,—

"The Chairman said:—. . . . He was sure they would not think of conferring that honour (being called to the chair) upon him except for the reason that he was a priest (a voice.—And a patroit—cheers), and it was a proof that the people were always anxious to have their priests with them, standing side by side and fighting for their independence. (Cheers.) . . . He did not believe there was a true born Irishman who would not rather fall with his priest than rise with a prince (cheers, and a voice—that we would) and he could assure them there was no love lost (a voice—we would go to the mouth of a cannon with a priest—cheers) . . . Mr. Thomas O'Brien (secretary) said:—. . . They called on the people to be energetic, firm, and self-reliant. Let there be no outrages. There were two sayings of O'Connell which they should take deeply to heart, namely:—'He who commits a crime gives strength to the enemy,' and 'England's difficulty is Ireland's opportunity.'"

That is where the extract stops, but this proceeds:—

"Well, in their living memory England was not in a more critical position than at present. Her handful of troops were running away from the Mahdi (cheers for the Mahdi); her flag was pulled down in the Cameroons; and the Russian bear was sweeping down on Afghanistan. England must eat the leek, and Oh! didn't the Irish sympathise with her in her adversity."



18 July 1889.]

CHARLES TANNER.

[Continued.]

Then the 1st of September 1885, page 4, column 1. This is the extract put in :—

“ I. N. L. Demonstration, Dunmanway, co. Cork, 30th August, Rev. J. Cotter, P.P., in the chair. Mr. Deasy, M.P., said, An outrage of any kind only served to retard the advances of the nation. Mr. W. J. Lane, T.C., Cork, said, He need not tell them that to hurt a hair of such a person's head, or to commit any outrage upon him or his property, would be weakening the national cause and giving a handle to their enemies.”

This is Mr. Deasy's real speech :—

“ Mr. Deasy, M.P., who was received with loud applause, and cries of ‘ Cheers for the first tenant farmer who went into Parliament from Ireland,’ said :—  
 “ . . . . . He had heard of only one case of land-grabbing within the district. He would ask them before he went any farther to see that the unfortunate tenant who had been thrown out of his holding would not suffer through having been evicted, and he asked them on the other hand not to allow the man who had been base enough to grab the farm to profit one shilling by it. He had been told that this gentleman was none other than a national school teacher. He had heard, furthermore, that he was in possession of another farm before he got this farm from which the poor tenant, Hourihan, was evicted. He should imagine that one farm and a national school would give sufficient occupation to any schoolmaster in the country. If he happened to be living in this district, and if he happened to have any control over any children in it, he certainly would not allow any of them to be taught by a man who was base enough to take the farm from which this unfortunate tenant had been evicted. He would make him feel that he could not run with the hare and hunt with the hounds. (A voice, Oh, the ‘ hare ’ is dead, Sir.) Mr. Deasy continued to say that he would teach him in the long run his interest would be being on friendly terms with his neighbours, and would make him feel by keeping his children from his school that there was a feeling in Ireland sufficiently strong to punish any foul attempt of this sort. There was no reason why a man should be injured except through his pocket in this great struggle.”

Then came the words quoted :—

“ An outrage of any kind only served to retard the advances of the nation. In dealing with a man they did not like, he would make him feel and suffer by his pocket and by his pocket alone. He did not speak of this man simply because he lived here. He knew that there were hundreds of instances throughout the county of Cork where the people had so far forgotten themselves as to deal with a land-grabber. He would ask the people not to be guilty of an indiscretion in the future. . . . . Mr. W. J. Lane, T.C., Cork said :—  
 “ . . . . . He would leave it to their own discretion to take such measures towards land-grabbers as would make the living of such persons in their midst very precarious.”

Then come the words quoted :—

“ He need not tell them that to hurt a hair of such a person's head or to commit any outrage upon him or his property would be weakening the national cause, and given a handle to their enemies.”

The words :—

“ He would leave it to their own discretion to take such measures towards land-grabbers as would make the living of such persons in their midst very precarious.”

are left out. I do not know whether you find in the paper, Mr. Cunynghame, that Mr. Lane mentions by name a land-grabber of the name of, “ Goodhand Clarke.”

(The Secretary.) It says here “ The rightful tenant was kept out of his holding through the instrumentality of Mr. Goodhand Clarke.” It says here Lane denounced at some length a grabber, but he appears to have passed on to another. He only mentions Goodhand Clarke, and then passes on to another.

(Sir H. James.) Then the 8th of September 1885. What I wish to put in there is a speech of Mr. Stack's. If there is any difficulty in finding it I will pass on to the



18 July 1889.]

CHARLES TANNER.

[Continued.]

next. Please do not trouble. I will go on. It has not been marked. The 21st September 1885, page 3, column 1. This is the extract, my Lord, Mr. Reid put in :—

“ Mr. Biggar said,—There was one thing which he wished to impress on them, and which had been impressed on them by many of the Irish party, and that was the mischief they would be doing if they committed an outrage.”

Now will you kindly look at what Mr. Biggar does say.

“ Mr. Biggar said,—There was one thing which he wished to impress on them, and which had been impressed upon them by many of the Irish party, and that was the mischief they would be doing if they committed an outrage.”

Those are precisely the words of the extract, but then these words follow which are left out.

“ Of course, if it were their interest to commit outrages he might be disposed to listen to any argument which they might put forward in favour of a little bit of severe pressure upon parties who were the enemies of their own country.”

That immediately follows, and that is left out in the extract :

“ But they were very strongly of opinion that in fact outrages did not pay. The person against whom an outrage was committed got from the grand jury five or 10 times as much in compensation as the injury caused damage, and outrages might be profitable to him. They were to deal with the land-grabbers in such a way that they would suffer and the people would not. He believed that the most effective means of dealing with land-grabbers was by what was called boycotting the land-grabbers.”

All that I have read is left out after the words “ the mischief they would be doing if they committed an outrage.” “ Of course if it were their interest to commit outrages he might be disposed to listen to any argument which they might put forward in favour of a little bit of severe pressure ” is continuous with what is in the extract, but is entirely left out.

The next is the 28th September 1885.

“ Irish National League Demonstration, Baudon, county Cork, 27th instant. Very Rev. Canon Dennis McSweeney, P.P., in the Chair. Mr. Deasy, M.P., said,—And it would require great self-control on the part of the people, and for the most level headed men in every branch to well consider every question that arose, lest an impressionable people should be carried away by momentary passion to do anything to retard the onward march of nationality.”

Then there is this :—

“ Mr. Deasy, M.P., said he could not tell them how proud he was to stand upon that platform that day in a town which gave birth to one of the Manchester martyrs. (Cheers.) There was not a corner in the whole world where an Irishman lives where that tale of foul treachery was not spoken (*sic*) day after day, and there was not an Irishman all over the face of the globe who did not feel it his duty to avenge that foul murder of Allen whenever the opportunity presented itself. (Renewed cheers.) The manner in which England dealt with those three men was only equalled by the way in which she had ever dealt with Irishmen who had the courage to stand up for nationality, and asserted our right to nationhood. As their Rev. Chairman had told them, the English people were as badly disposed towards Ireland and Irishmen to-day as they were when they clamoured for the blood of those three innocent men in Manchester. The same spirit of deadly hatred to the Irish race animates their breasts, and nothing prevented them from taking other means to prevent the growth of the national spirit in this country ; but they fear that they in the end would come off second best. (Cheers.) The Irish people would tell them that they had fought them for seven hundred years. The struggle (between England and Ireland) had been a desperate and an unequal one. They had been worsted many a time, but they had not been frightened, cowed, or defeated. (Hear, hear.) They were not four millions in number, as Mr. Chamberlain had told them, but they numbered at least 20 millions of Irishmen on the face of the



18 July 1889.]

CHARLES TANNER.

[Continued.]

“ earth, and there was not a man of those 20 millions who would not be prepared, if the necessity arose, to shed his blood in defence of the rights of his native land. (Loud cheers.) About this question of rent, which was at the present time most vital, there could be no doubt but the landlords had deliberately entered into a conspiracy to rob the people, and drive them out of their native land.”

Then comes the extract which my learned friend, Mr. Reid, put in—

“ And it would require great self control on the part of the people and for the most level-headed men in every branch to well consider every question that arose, lest an impressionable people should be carried away by momentary passion, to do anything to retard the onward march of nationality.”

The next is the 7th October 1885, page 3, column 7, the extract put in says:—

“ Irish National League Demonstration, Kilmichael, near Macroom, county Cork Mr. Michael Murphy in the chair. Mr. J. C. Flynn, Cork said,—He implored them in the name of their nationality, and in the name of their prosperity, and the future happiness of their country, not to use this weapon (boycotting) for any personal or private cause whatever.”

Now, my Lord, the words are these:—

“ Mr. J. C. Flynn, Cork, said,—They should either pay rent for the land or fight for it. (Hear, hear.) Their four millions were not strong enough to fight for it just at present, but they they would pay as little as ever they could. (Cheers.) He implored them in the name of their nationality, and in the name of their own prosperity, and the future happiness of their country, not to use this weapon (boycotting) for any personal or private cause whatever, but, if a man deserved that reprobation, having drawn the sword, let them throw away the scabbard and use the weapon with all the strength and power that lay with them.”

Those words are omitted, and a semicolon is converted into a full stop.

“ He assured them he was not quite certain as to their victory in the near future. The battle was only commencing; the task that lay before them was a heavy one.”

Then there are some words:—

“ The grip of landlordism would not be shaken from the throat of the country without a little struggle, neither would the grasp of England easily be loosened.”

Then comes the 26th October:—

“ Irish National League Demonstration, Macroom, County Cork, 25th instant., Rev. Father Ahern, P.P., in the chair. Present, Mr. John O'Connor, M.P., Mr. W. J. Lane. Mr. O'Connor, M.P., said,—He believed their great strength to-day was due to the fact that there were no outrages in the country. (Hear, hear.) Only for the country was peaceable, the landlords would not be thrown upon their own resources, but would have the armed soldiers to collect their rents, and the police to trouble them by day and night (hear, hear) in “ their peaceful avocations.”

Then the real speech, my Lord, is:—

“ The meeting was organised by the Rev. Father Ahern, P.P. (Clondrohid), and was principally promoted by several branches of the National League around Macroom, the Macroom branch, which was not very immediately connected with the objects of the demonstration, taking little or no part except as far as presence was concerned. When the meeting was publicly convened the Rev. Archdeacon Cullinane addressed a protest to the press, in which, as a minister of peace, he deprecated such a gathering as one calculated to rouse the angry passions of the people. Mr. O'Connor, M.P., said:—He remembered reading in French history the statement of Goanbilltas”——

It may be a misprint, but that is the word in the paper.



18 July 1889.]

CHARLES TANNER.

[Continued.]

(The President.) Gambetta is suggested.

(Sir H. James.) It may be, it is a very strange misprint:—

“ He remembered reading in French history the statement of Gambetta that

“ in a certain event the *chassepots* would go of themselves.”

It must be therefore a modern instance.

(The President.) Yes it probably is Gambetta.

(Sir H. James.) (Reading):—

“ Well he should not be at all surprised if some of those machines or jugger-

“ naut (*sic*) forges which fall into the ditches of themselves (great cheering). He

“ in saying this, did not mean even by the slightest inuendo to excite them to

“ outrage. He merely wanted to say, in the words of a man who was once famous,

“ that the linch pin might fall out of the cart.”

Then all that is left out.

Then comes this:—

“ He believed their great strength to-day was due to the fact that there were

“ not outrages in the country (hear, hear) only for the country was peaceable the

“ landlords would not be thrown upon their own resources, but would have the

“ armed soldiers to collect their rents, and the police to trouble them by day and

“ night (hear, hear) in their peaceful avocations.

Then, my Lord, we come to an important one of the 29th December 1885. This is the extract—

“ Mr. Jeremiah Higgins proposed, and Mr. James Fitzgerald seconded, the following resolution: Resolved, That Williams, the caretaker on the evicted farm at Ballyswaine having been fired at, we avail ourselves of this opportunity to express our strong condemnation of such acts as being, apart from the high grounds of morality, peculiarly injurious to the interests of Ireland at this particular time, and calculated to embarrass and annoy our great leader. It is to be regretted that such an act should have occurred in a parish remarkable for an absence of outrage of a serious kind, such absence of outrage being mainly due to the fact an active, healthy spirit pervades the minds of the people. The Rev. Chairman expressed great pleasure at seeing such a large number present. As they were aware, they had assembled principally for the purpose of condemning an act which had been perpetrated in the parish since their last meeting. Such acts were to be condemned on moral as well as national grounds, and on the latter particularly just now.”

Then there is a reference to the evidence, page 1390. The report is this:—

“ The Rev. Chairman expressed the great pleasure he felt at seeing such a very large number present. As they were aware they had assembled principally for the purpose of condemning an act which had been perpetrated in the parish since their last meeting. Such acts were to be condemned on moral as well as national grounds, and on the latter particularly, just now.”

(The President.) Well, that is all here.

(Sir H. James.) Yes, that is; the last portion—

“ Mr. Jeremiah Higgins proposed, and Mr. James Fitzgerald seconded, the following resolution:—‘ Resolved, that Williams, the caretaker on the evicted farm at Ballysivane, having been fired at, we avail of this opportunity to express our strong condemnation of such acts as being, apart from the high grounds of morality, peculiarly injurious to the interests of Ireland at this particular time, and calculated to embarrass and annoy our great leader.’ ”

Then it says—this is the 29th December 1885—

“ It is to be regretted that such an act should have occurred in a parish remarkable for an absence of outrage of a serious kind, such absence of outrage being mainly due to the fact that an active, healthy spirit pervades the minds of the people.”

That is not there.



18 July 1889.]

CHARLES TANNER.

[Continued.]

*(The President.)* Yes, it is.*(Sir H. James.)* It is altered.*(The President.)* What I am pointing out is at present you have not shown any omission.*(Sir H. James.)* This is what I wish to read:

“Mr. E. Lahiff supported the resolution. He referred to the fact that they at that board had always been condemning outrages, outrages committed in the name of Irish landlordism, though sanctioned by the law. For the first time they found themselves condemning an outrage of this kind, and why? their view was in accordance with the idea of Mr. John Dillon, who said, ‘As long as this régime lasts so long must I refuse to denounce Irish agrarian crime. I deplore it, I discountenance it, I discourage it; but I refuse to denounce it.’ (Applause.) Until quite recently the British Government took the full responsibility on themselves of preserving what they called ‘law and order’ in Ireland, and of putting down outrages. But they confine their action to a certain class of outrages, or so-called outrages, while the most heinous crimes were allowed to go unpunished on the part of their boss men in the country. Recently, however, they gave up, or rather had to give up, the notion of keeping the peace in Ireland, and, on the shoulders of their leader, Mr. Parnell, rested the responsibility of keeping the people within proper bounds. (Applause.) They refused to become the policemen of the British Government. Now, however, they had no objection to be the policemen of Charles Stewart Parnell. (Applause.) There was a time when outrages were supposed to be committed in the interests of the cause of the people. The garrison gang did not then hesitate to brand them as the perpetrators. Now, when admittedly it is in the interest of the garrison gang alone that outrages should be committed, we won’t follow their example. We won’t say that it was the representatives of the garrison gang here that shot Williams, we merely say that it serves their cause alone to have such done. (Applause.) They had always at Aghada shown that they preferred to condemn the acts of those who live in guilty prosperity—the tyrant masters, than the acts of those who, with despairing hearts and maddened minds, sought the wild justice of revenge. (Applause.) They would go on as they had been going. They were proud and defiant. Their enemies were a broken routed lot. They had the memories of a glorious past to inspire them; they had the hope of speedy triumph to sustain them, and urge them on. They would continue to work on for the removal of the source and fountain of all crime and outrage, and misery in Ireland—British rule and its main prop—Irish landlordism.”

Your Lordship has, I think, the reference given in Mr. Reid’s copy, page 1394. The man that is speaking is Mr. E. Lahiff. Then on the 15th March 1886, an extract is put in:

“Meeting of the tenantry (at National League Rooms), over whom Mr. George Sandes presided, as agent, held at Listowel, 12th March. Very Rev. Canon Davis, P.P., V.G., in the chair, denounced the action of the moonlighters.”

That is what is put in.

*(The Secretary.)* I have not got that paper yet, but I have the next one.*(Sir H. James.)* Then I will pass to January 24th, 1887. I should not read this except the extract had been put in. My learned friend Mr. Reid read this:—

“Irish National League Demonstration at Killarglin, county Kerry, 22nd inst. Rev. James Counihan in the chair. Mr. P. Mahony, M.P., said he had always protested against outrages, and would continue to protest against outrages, by whomsoever they were committed, and they were there to protest against some ruthless and barbarous outrages committed in the name of the law.”

I think it is quite clear Mr. Mahoney did say that. Then we have this, said, as far as we know in Mr. Mahony’s presence at the same meeting:—

“Mr. Conybeare said:—I will read to you what appears in ‘Truth,’ conducted by Mr. Labouchere, and I will venture to say that if words which can be read



18 July 1889.]

CHARLES TANNER.

[Continued.]

“ and applauded in England (*sic.*) they are just as appropriate as and useful to read  
 “ to an assembly at this side of the Channel. It says: The agent appeared with  
 “ police, bailiffs, and decrees of eviction. The huts in which people were  
 “ living were burnt over their heads, and the gang drove off, leaving men,  
 “ women, and children without any roof to cover them. For my own part, says  
 “ Mr. Labouchere, and it is a sentiment I endorse, ‘ I should have regarded the  
 “ ‘ shooting of such an agent, or one of the bailiffs as justifiable homicide; and  
 “ ‘ that we allowed such wrong is proof that the Irish are more patient under  
 “ ‘ inhuman wrongs than any of the human race.’ Well, I will only add to  
 “ that, if these things were to happen in England, and if I was a tenant, I  
 “ would take care to have some weapon to brain the first man that entered my  
 “ house.”

There were present at that meeting the Lord Mayor of Dublin for 1887. I suppose that was Mr. Sullivan, Messrs. Dillon, Conybeare, Pierce, Mahony, E. Harrington, J. Stack, Alderman O'Connor, and J. D. Sheehan. We do not want the rest of that extract.

(*The Secretary.*) The “ Cork Herald ” of March 15th 1886, is now here.

(*Sir H. James.*) The 15th March, 1886, seems to be a meeting of the tenantry at the National League Rooms, over whom Mr. G. Sandes provided, as agent, held at Listowel. The Very Rev. Canon Davis, P.P., in the chair. This is the real extract:

“ Meeting of the tenantry (at National League Rooms) over whom Mr.  
 “ George Sandes presided, as agent, held at Listowel, 12th March. Very Rev.  
 “ Canon Davis, P.P., V.G., in the chair. The Chairman said:—There is a great  
 “ deal of talk about Moonlighters and all this thing, and I think Mr. Sandes  
 “ has a hand in promoting moonlighting. We don't sympathise with the action of  
 “ the moonlighters. We condemn their action for some of them are murderers;  
 “ some are savage, no doubt, but we must bear in mind that it is the outcome of  
 “ savage provocation on the part of tyrannical landlords and tyrannical agents.”

That is given as in the extract. My Lord, I have taken these, I have not purposely gone through them all, I have taken these as an example. I have taken what I thought the most flagrant examples. Now, my Lord, I believe Mr. Loudon is in Court. Mr. Loudon in his evidence on the 5th July mentioned that he was under the impression that he had written a letter in one or two papers, either to the “ Freeman,” or the “ Connaught Telegraph,” referring to the letter which had been written by the Archbishop of Tuam, Dr. McHale, in respect of the meeting referred to in that letter. We have searched for it in the newspapers mentioned by Mr. Loudon, and we cannot find it. Mr. Loudon said he would search. Mr. Loudon is here, and perhaps he could explain.

Mr. LOUDON recalled,

(*Mr. Loudon.*) Most decidedly I wrote that letter, and most decidedly it appeared in the paper, and I think in the “ Freeman,” and it would appear the day after or two days after the publication of the Archbishop's letter. If I get the “ Freeman ” I would be able to find it, but it has not been supplied to me.

(*Sir H. James.*) I thought Mr. Loudon had it.

(*Mr. Loudon.*) No, I have not got the “ Freeman,” but if I have a copy I will find it at once; I would wish to see the “ Freeman,” and also the “ Connaught Telegraph.” It would be about the date of the Westport meeting, because this was the day before.

(*Sir H. James.*) The Archbishop's letter is addressed the day before.

(*Mr. Loudon.*) Yes.

(*Sir H. James.*) The date of the letter is June 5th, 1879.

(*Mr. Loudon.*) The date of the Archbishop's letter?

(*Sir H. James.*) Yes. Will you let Mr. Loudon see the paper?

There is one other matter. When one of the members of Parliament, Mr. Condon, was being examined, he stated at p. 5975 that he had written a letter to the paper, the



18 July 1889.]

MR. LOUDEN.

[Continued.]

“Clonmel Chronicle” denying the accuracy of the report. We have searched for that letter in the “Clonmel Chronicle” and we can find no such letter or article.

Mr. CONDON recalled.

(*Mr. Condon.*) I think I also said in my evidence that I may possibly have written to the “Clonmel Chronicle,” but I certainly did, at a public meeting in Clonmel a day or two after my attention had been called to the speech as brought before the Court, that I denounced all sympathy and connexion with O’Donovan Rossa, as a dynamiter, and that that speech would be found in the “Clonmel Chronicle” for October or November 1885. I did not, if I remember right, commit myself to have written a letter. I thought at the time the matter was sprung upon me, that I had written, but in thinking the matter over since I now believe I did not write to the “Chronicle”; but I certainly did deliver the speech at Clonmel a couple of days afterwards, which ought to be as I think is reported in the “Chronicle.”

(*Sir H. James.*) Mr. Condon says this in relation to the latter portion to which he now refers:—

“I am not quite certain about the letter, though I have an idea I did write it, but I am quite positive about addressing the public meeting.”

And then the President says:—

“Undoubtedly if two witnesses were in a position to refer us to something which appeared in a newspaper immediately afterwards, of course I should allow it to be put in. If that can be furnished it can be done.”

And Mr. Condon said:—

“Thank you, my Lord, I think I shall be able to do it.”

We have referred to the paper, and we find no report of any meeting or of the letter either. Would it be reported?

(*Mr. Condon.*) It think it would be reported. I will write for it.

(*Sir H. James.*) Then, my Lords, whilst this small matter is being dealt with, will your Lordship allow me to mention the position we are placed in?

My Lord, so far as the case of the gentlemen, I will call the respondents, are concerned, I do not gather they have any more information to give your Lordship. Your Lordship will recollect it was mentioned that Mr. Parnell would be in attendance on Tuesday morning to answer some question relating principally to some accounts. And notice, I believe, has been given through his legal adviser that his presence is requested here.

Then, my Lord, we have also to deal with a more serious matter in respect of that banking account upon which information is to be given; and that matter may have to be inquired into in a way that would not enable us to deal with it until Tuesday morning.

Then in consequence of what has happened, with regard to certain documents, there will have to be one witness, who, I presume, could be taken on Tuesday morning.

(*The President.*) Would it be inconvenient to tell us on what point.

(*Sir A. James.*) It was with reference to the production of certain documents that were called Phillip’s documents. That testimony must certainly be short, and the remainder of Tuesday will be taken up with these accounts which require more investigation. And then, perhaps, if your Lordships would allow me, if you take these matters on Tuesday, I should make a statement, as the matter would then be clear.

(*The President.*) You mean you propose to make a statement on Tuesday.

(*Sir H. James.*) Yes.

(*Mr. Justice A. L. Smith.*) You do not propose to sit to-morrow.

(*Sir H. James.*) I do not see how we can. Would your Lordship allow us now to conclude this little matter of the letters? There is nothing to recall these gentlemen for otherwise. They will look through the papers.

(*The President.*) We will remain here a short time, and you can let us know when you are ready.



18 July 1889.]

MR. CONDON.

[Continued.]

[The learned Judges retired, and after a short absence returned into Court.]

(Mr. Condon.) My Lords, I have since found an extract from the "Clonmel Chronicle" in reference to the statement to which I referred in my evidence. I had quite forgotten at the time that during the election I lost my voice, and when any attention was drawn to the subject matter of this reference, to the speech at Thurles, I was unable to speak from a public platform. But I wrote out a statement and gave it to Father McDonnell, who was my nominator at the election, as well as the administrator of St. Peter and St. Paul's in Clonmel, and I will now read to your Lordships a statement which I wrote to Father McDonnell and which he read out at a public meeting. It is as follows:—

(Sir Henry James.) Give the date.

(Mr. Condon.) The date is December 2, 1885, "Clonmel Chronicle."

"He (Rev. Mr. McDonnell) was sorry that in his exertions during the election their newly-elected member, Mr. Condon (cheers), had completely lost his voice. He had been authorised, however, to make a statement on behalf of Mr. Condon, and would act as it were as his mouthpiece. He read the statement in Mr. Condon's presence and at his request—

"I take this opportunity of explaining some words of mine in the public meeting at Thurles after my selection as Nationalist candidate for Tipperary. From my short speech on that occasion a gentleman residing in this neighbourhood picked out a few words and made them the subject of a letter in a local newspaper. He set up these few words alone apart from their context, unexplained by a qualifying clause which I employed, and by a series of adroit questions, endeavoured in a sort of indirect way to make me appear as a sympathiser with the dynamite outrages, with which the name of O'Donovan Rossa is associated. The words were used at a time of, for me, natural excitement, but still I qualified them sufficiently to show that they did not bear the interpretation put on them in the letter referred to in the "Cork Examiner." I am reported as saying 'I will walk in the footsteps of Rossa and Mitchell,' but I added, as appears in the 'Examiner' report, 'as far as is commensurate with the spirit of the times.' Now, what means that qualifying clause 'as far as is commensurate with the spirit of the times.' Clearly, it means that I should show my love for my country, not according to the methods of Rossa or Mitchell, but in a manner suitable to the temper of the present times; and what was that manner? What but the constitutional method adopted by the Irish National League, of which I am a member, and of the Irish Parliamentary party, whose ranks I have joined. The policy I adopt is that of working out the regeneration of my country by Irish votes at Irish polling booths, by Irish votes at English polling booths, by Irish sympathy in America, and by the action of the Irish Parliamentary party in the British House of Commons. I have no sympathy with dynamite outrages as you, who understand me, will know. The Irish Parliamentary party denounces them through their most trusted leaders, and I denounce them. Nor do I denounce them now for the first time. I have several times joined in denouncing them in National League meetings in the Town Hall of Clonmel. I trust this will be a sufficient answer to the unfriendly criticism to which I have alluded."

That is the extract from the "Clonmel Chronicle" of that date.

(Sir H. James.) I think it is perhaps right to say that we searched the paper for Mr. Andrews statement; but those who searched looked under Mr. Condon's statement. But as it turns out now it is a written statement, and did not appear in his name at all, and of course we did not find it.

(The President.) Has the other point been cleared up?

(Mr. Louden.) I looked up the "Freeman's Journal," and I did not find the letter. I recollect now, that at that particular time the "Freeman's Journal" was violently opposed to our movement, and at that date I wrote an article backing up the Archbishop and the opposition he gave to our meeting at Westport. On the other hand the Conservative papers gave us a sort of support, and it must be in the Conservative papers, the "Irish Times."

(The President.) If you can find it, you may send it.



18 July 1889.

MR. CONDON.

[Continued.]

(Mr. Loudon.) They have not got the "Irish Times" here.

(The President.) Perhaps within the next few days you can find it.

(Mr. Loudon.) I will have it by Tuesday, I am going to look at the "Irish Times" now at the British Museum, and I will have it by Tuesday.

(The President.) Then we can do no more now. Let me take this opportunity of saying I should be glad, Sir Henry, if you will consider between this and Tuesday whether there is any witness or whether there are any witnesses whom you would desire us to call in order that you may have an opportunity of cross-examining them. Undoubtedly there were several witnesses named, and there were others not named whom we might have expected to have seen in the witness box, but for the course which has been taken. Perhaps it will be as well that you should consider that.

(Sir H. James.) Of course we will carefully consider it, but if your Lordships will allow me to say so, from the course that has been taken it could have scarcely have anything to do with calling witnesses, because we clearly understood from Mr. Reid and Mr. Lockwood that there were no witnesses to be called but Mr. Matthew Harris and Mr. O'Kelly. However, we will consider it.

(The President.) Yes.

(Adjourned to Tuesday next, the 23rd instant, at 10.30 a.m.)



**“Uncorrected Proof.”**

**SPECIAL COMMISSION ACT, 1888.**

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ROYAL COURTS OF JUSTICE,  
PROBATE COURT, No. 1,  
Tuesday, 23rd July 1889.

(*Mr. Parnell.*) My Lords, with reference to the statement which was made by Sir Henry James on Thursday (Question 95,190), I beg to refer your Lordships' attention to what he said when cross-examining Mr. Harris; after Mr. Harris had handed in two letters which he had written to me in March 1883, and a copy of my reply to him to these two letters, Sir Henry James asked Mr. Harris this:—

“That question may not appear without force. What I am pointing out is  
“ this: we have had access to Mr. Parnell's letters. I will not anticipate what  
“ is to be said about them, but no letter of that kind will be found amongst  
“ those which have been submitted to us. I beg your pardon, are those the  
“ originals?—(*A.*) Those are the originals; that is my handwriting.”

(*The President.*) What is the number of the question?

(*Mr. Parnell.*) Question 95,190; it was on Thursday last.

(*The President.*) I have it now.

(*Mr. Parnell.*) And then Sir Henry James follows with the cross-examination of Mr. Harris based upon the statement which he made in that question, that those letters had not been submitted to him amongst the letters that had been handed in by Mr. Campbell. Sir Henry James was entirely misinformed in that respect. When I directed Mr. Campbell to hand in to your Lordships all the letters of mine that were in his possession I also handed to him these two letters with a copy which had been previously made of his reply to these two letters from the shorthand note on the back of one of them. I directed Mr. Campbell to hand these letters to the counsel for the “Times.” At a subsequent inspection Mr. Campbell informed me that he did so; that he not only did so, but that he supplied copies of these two letters to the counsel for the “Times,” Mr. Asquith, I believe, in the beginning of June, so that there is no foundation whatever for the statement of the Attorney-General that these letters were withheld from him.

(*The President.*) It seems to depend upon Mr. Campbell's statement.

(*Sir H. James.*) Would your Lordships allow me first to refer Mr. Parnell to Question 95,198 in which I endeavoured to remove any misapprehension.

(*Mr. Parnell.*) I see.

(*Sir H. James.*) Your Lordship sees I say there—

“I should be very sorry if there is any injustice being done to anyone.  
“ There may be a misunderstanding upon this point, and I should be sorry to put  
“ the complexion upon it which is in my mind if it is not correct.”

I had then, when these letters were produced, no knowledge as to what course had been taken by Mr. Campbell and my friend Mr. Asquith, but, from what Mr. Asquith says, I believe what Mr. Parnell has stated is correct, that in the mass of documents these letters not being there found at the time we had missed seeing them. That circumstance was occasioned by the fact that directions were given to Mr. Campbell to find these letters, and that he did on June 11th hand these letters to Mr. Asquith, either copies or the originals of them, and that is the way those letters have been removed from the many thousands of letters which have now been handed in.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

I think the better course for us to take with reference to the evidence this morning is first to refer to a document that Mr. Harris was asked to produce. Your Lordships will recollect that we asked him to produce some letters of December 1877 which he referred to in his evidence as showing the position he had taken up in respect to these matters. I anticipated of course that they would have been produced in court, but Mr. Harris in a very courteous letter has sent them to me personally, and I shall simply regard them as being handed in by him. I am afraid I shall be obliged under those circumstances to read the letters before they go on the note. There is a letter from Mr. Harris of December 3rd, 1877, in which he writes to Mr. Charles Kickham:—

“DEAR SIR,

“THE question of how best to serve his country is seldom absent from the mind of a patriot, especially a patriot pure and unalloyed as you have proved yourself to be; but in the conflicting elements which at some periods distract his country it is not easy to select that course which is wisest and best for him to pursue. I use the word safety as affecting the interests of our country, and not in a personal or individual sense. In my judgment the present state of politics and political parties present such difficulties, and that a greater degree, than at any former period. This state of things is owing to a variety of causes, but mainly to the fact that neither the public press nor the leading public men of this country fully represented the sentiments of the Irish people. I do not mean to say that certain phases of public opinion are not fully and ably represented. The politico-religious sentiment, for instance. But underlying that sentiment, and other sentiments of a more narrow and special character, that interest or zeal, or both together, keep flaunting before the public, there is deep in the hearts of the Irish people an unquenchable thirst for liberty—liberty in her broadest and noblest proportions, uncramped by religious prejudices or class distinctions, embracing all within her sheltering arms. That this sentiment, I might say, this inherent instinct of our race is not only unrepresented, but is actually opposed by the press and by our public agitators, all who have studied the tone of this production on home and foreign politics must admit. It is my belief that, at the forthcoming Home Rule Conference, this opposition will assume proportions which would alarm every good Irishman, and I must say, speaking for myself, that I think it would be a dereliction of duty on the part of men who are in earnest in striving to free their country if they were to allow such proceedings to pass over without entering a protest, or without putting before the world their desires and testing how far they may be acceptable to the public. With this view I propose that a public convention be called on the broad principles which I have named, and that also a great public meeting be held in connexion with this convention, to which the resolutions which have been passed should be submitted for approval. by adopting this course you would bring forth as far as practicable a truly national pronouncement. Deputies from England, Scotland, and America should be invited to attend. The people look up to you more than any man now living. They know you have thought and written and suffered much for your country. That your experience is great, and your honesty such that even the tongue of slander has not dared to impeach it. So that it is in your power to do that which it would be folly in any other man even to attempt. For myself, I claim your attention on the ground of long service, being one of the few that still remain who took an active part in the '48 movement. I can also claim that when the Home Rule movement was started I pointed out the injury it was likely to do. I told the men who I believed had the confidence of the advanced party that it would be wise to crush out that movement in its infancy. Not that I was against public movements generally, but I felt that the best men in Ireland were against public agitation, owing to the teachings of Mr. Stephens and his friends, and that, therefore, the same agitation, in the absence of good men would get into the hands of the opposite class. This was the time of the Bilton Hotel meeting. Subsequently, when I ascertained that the advanced party were fully determined not to oppose Mr. Butt's new project, I advised that, as they had decided not to put it down, they would lay hold of it and



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ use it. Both of these suggestions were rejected, and the men of action, as if  
 “ in mockery of their principles and themselves, adopted a policy wholly passive.  
 “ The arguments used at the time were not without some force. It was asserted  
 “ that the new movement would spread the sentiment of nationality among the  
 “ aristocracy and the middle classes. It was also asserted that Mr. Butt was  
 “ progressing every day in Liberalism and that ultimately he would arrive  
 “ at the highest standard required even by the most advanced Nationalists.  
 “ His own pronouncements at and after that time were calculated to  
 “ encourage this belief. I thought so part of the time myself, and I  
 “ had some hope that Mr. Butt would do something worthy of his  
 “ country. I felt that he thoroughly understood the state of parties and  
 “ the various shades of opinion that prevailed. This was very evident from  
 “ his speeches and letters at the time. Indeed, one letter which he addressed  
 “ to Mr. Bolster, of Limerick, was such an able diagnosis of the diseases which  
 “ afflict our country that any person who had it would be led to entertain hopes  
 “ that one who understood the disease so well would be able to apply a remedy.  
 “ Times has given the lie to these hopes, for instead of giving strength and  
 “ health his five years’ agitation has but increased our weakness, and aggravated  
 “ the diseases which we thought it would cure. In opposition to this proposal  
 “ for calling together a truly national convention, the Home Rulers, though torn  
 “ by dissensions themselves, will doubtless accuse the promoters of a desire to  
 “ create discussion. Mr. Butt knows the value of such accusations; he has  
 “ applied the words treason and disunion so frequently to his opponents that he  
 “ has become an adept in their use. Who are the disunionists in a national  
 “ sense? Certainly those who draw a line of demarcation between large numbers  
 “ of the Irish people and any movement founded on national principles. Has  
 “ Mr. Butt and the Home Rule party done this? I appeal to their programme  
 “ and to Mr. Butt’s speeches where he advocates exclusion from the Home  
 “ Rule confederation of certain parties. I also appeal to the letters of Mr. O’Neal  
 “ Daunt and Mr. Mitchel Henry in proof of this statement. Then those who are  
 “ shut out from having any voice or influence in the Home Rule movement cannot  
 “ be accused of wishing to create disunion if they adopt a platform of their own  
 “ and come together to give expression to their sentiments in order to give the  
 “ general public an opportunity of judging between them and those parties who  
 “ have so frequently condemned both themselves and their principles.”

Then, my Lords, the second letter is December 18th, 1877, addressed to the editor of the “Irishman” :—

“ SIR,

“ I MUST again trouble you for some space that I may, through your journal,  
 “ apologize to Mr. Kickham for not having communicated with him previous to  
 “ publishing my letter, and also to explain some of the reasons that induced me  
 “ to trouble him at all on the subject. The idea of holding a convention came  
 “ suddenly, and without any reflection. I at once took the course which, in my  
 “ opinion, would be most likely to make it a success. I can also say, by way of  
 “ extenuation, that I was rather unfortunate in my private correspondence, at  
 “ or previous to the date on which I wrote to Mr. Kickham. A letter mis-  
 “ carried, which had been sent me by a friend in Cork, in answer to one I had  
 “ written on this subject of the Home Rule conference. The miscarriage of that  
 “ letter closed the correspondence with my Cork friend for the time, or I could  
 “ have ascertained Mr. Kickham’s sentiments even without writing to him. Ad-  
 “ dressing a letter to a public man is not an unusual course, but I grant that in  
 “ Mr. Kickham’s case it would have been better if I had first consulted him  
 “ before doing so. Hoping that Mr. Kickham will accept this explanation and  
 “ the expression of my regret for not having acted in a manner that met his  
 “ approval, I have next to thank him for his very courteous reply and the  
 “ great pains he has taken to explain what his opinions are on most of the points  
 “ touched on in my letter I am also gratified to know, though he condenses my  
 “ proposal for a convention as being inopportune at present, he does not deny  
 “ that it might be necessary to have recourse to such a project at some future



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ time. It did not cause me surprise to find, on reading his letter, that we agreed  
“ on almost every point. Nor was the pleasure I felt at this occurrence of  
“ opinion at all diminished by its not being unexpected. The points on which  
“ we differ I will pass over. It is my belief that the Home Rule movement  
“ should have been crushed out at the beginning or taken hold of. Mr. Kick-  
“ ham differs from me on this point, and there the matter ends at present so  
“ far as I am concerned. He gives his reasons for objecting to a convention.  
“ My acceptance or rejection is of trivial importance indeed; yet, as the opinion of  
“ every unit in the population forms a part of the great whole, which we will call  
“ public opinion, it may be useful to know what one of these units thinks on  
“ important questions. I agree with all Mr. Kickham has said concerning the  
“ repeal agitation, the tenant right agitation, the '48 movement, and the 'good  
“ work' that has been done more recently. It is true this work was done. This  
“ is a quotation. The action of the bishops and priests was such as Mr. Kickham  
“ states it to have been. But notwithstanding all this, Ireland was not, as Mr. Duffy  
“ said, a corpse on the dissecting table. She had no doubt, unclean things preying  
“ on her as they prey upon everything they can attach themselves to, and if she  
“ did not shake them off, it was not that she wanted life and vigour in all  
“ her members, but the welding power was too strong, the cement that bound  
“ them to her was the Church. For a time carreyet men took shelter behind  
“ the altar and were protected by the priests; and in return they have left the  
“ priests without congregations, the altars without worshippers. The people  
“ soon saw their error, and when good men came to lead them on a new path they  
“ followed these men. It is true that this work was done when the press and  
“ public men of the country did not more fully represent the sentiments of the  
“ Irish people than at present; but there were other conditions which do not  
“ exist, at least, in the same degree at present. The exodus had created a bitter  
“ feeling against England here at home. It had also created, beyond the  
“ Atlantic, a great Irish nation in a free country. The civil war in America,  
“ which from the beginning threatened to bring on a conflict with England, the  
“ knowledge that in that war there were numbers of Irish officers distinguished  
“ for their courage and ability, and more than willing to lead an army in the old  
“ country—the hope at that time held out that any army of 20,000 men were to  
“ come over—all these circumstances, backed up by the teachings of the 'Irish  
“ People' newspaper, were sufficient to compensate, in a great measure, for the  
“ absence of any public movement at the time. I say nothing further of the leaders  
“ than that the time brought the men—men who, at least, in this coun-  
“ try did not allow the spirit of discord to get in amongst them. They  
“ also knew how to follow as well as to lead, a quality often wanting to Irishmen;  
“ men who, if they did not succeed in accomplishing all they had proposed to  
“ themselves, succeeded in raising the standard of public virtue to a higher point  
“ than it had attained since the period of '98. In this sense it was a great  
“ success; beyond this it has to be numbered with all the movements which for  
“ the last seven centuries have resulted in failure. Let us inquire after the cause  
“ of those repeated failures, and it may direct us in selecting the course we should  
“ pursue in future. In '98 and '67 there was too much of a conspiracy, and  
“ too little of a public movement. On other occasions there was too much of a  
“ public movement and too little in the nature of a conspiracy. A judicious  
“ combination of both would have been better. A conspiracy, from the danger it  
“ involves, produces earnest, honest men. A public movement produces talkers  
“ and men of that ilk, who help to rouse up a slumbering people. If an established  
“ government gets hold of the threads of conspiracy and comes to know  
“ its leaders it possesses the power to crush it out. It can also crush out a  
“ public movement by corrupting its leaders, and through them demoralising  
“ the people. But if both be combined the task is not so easy. The honest  
“ men prevent demoralisation. The magnitude which a public movement  
“ acquires makes it difficult to suppress. Take the repeal agitation, for in-  
“ stance. It was all that Mr. Kickham has described it. Conciliation Hall was  
“ a sink of corruption; yet from that movement sprung a fountain at which the  
“ lovers of Irish liberty can refresh themselves for ever. I allude to the writers  
“ of '48. The repeal movement may be judged in two ways; first, by its agitators



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ or leaders who were all that Mr. Kickham describes them to be ; secondly, as a  
“ great public organisation. Viewed in this latter sense, it was never surpassed  
“ in any country, and I cannot help thinking that if in connexion with that move-  
“ ment there had been such an organisation as Mr. Stephens formed, the result  
“ would have been different from what it has been ; or if the men of '67 had such  
“ a movement as O'Connell's at their back, their movement would not have ended  
“ in failure. For they would have felt that they were not an isolated body, that  
“ they had the moral support which the approval of our fellow citizens always  
“ gives ; that behind their backs was a great movement of which they were the  
“ military arm. The lessons to be taken from the Repeal movement and from  
“ such other movements is that they failed through the corruption of the leaders.  
“ What is the remedy ? Why, to supply honest leaders. Is this possible ? If  
“ honest men hold back on principle, the answer is, no. Then who is to blame ?  
“ The honest men. It may be said that honest men—the young Irelanders—  
“ tried to create a public movement and failed. True ; but they tried it  
“ at the wrong time, as the treatment they got at Limerick fully proves.  
“ They should have known that it is impossible, all at once, to build a new  
“ movement of the same proportions out of the broken fragments of an old one.  
“ The men who go to work at the opportune time and create a movement give  
“ it the impress of their own minds for the time being, and it is difficult to alter  
“ the state of things until a new generation arises or some great change takes  
“ place. In the past we find that those leaders who had the will to free their  
“ country had not the power, and that those who had the power had not the will.  
“ If Tone and Emmett were in Grattan and Flood's place they in all probability  
“ would have precipitated a struggle and freed their country. If the '48 men  
“ had O'Connell's great movement at their back, it is likely they would have done  
“ the same. And while we blame Grattan and O'Connell for not using the power  
“ they had created, we must also regret that the other men had not the genius or  
“ the wish to create such a power when it is essential to success. It may be said that  
“ such a thing was impossible. I do not believe so. It is surely in the power of  
“ good men to do what bad men have done, and I will go further than this and say  
“ that, if it be impossible to bring about such a state of things or a unity of purpose  
“ between public movements and secret organisations, liberty itself is impossible. I  
“ agree that earnest men feel a disgust for agitation. They desire to be acting the  
“ part of men not talking about it. But if our object be not merely to advance in  
“ the direction of liberty, but succeed in achieving it, we must bring the general  
“ public with us, and have their sympathy and concurrence. To do this it is  
“ necessary to use, not one or two, but every means within our power. I acknow-  
“ ledge that there are times when it may be wise to adopt some one course to  
“ the exclusion of all others, and I do not deny that Mr. Stephens was right in  
“ turning from every form of agitation when he wanted to concentrate the whole  
“ power of the people on a military organisation. But if it were the right course  
“ at that time it does not follow that it would be the right course for all time,  
“ any more than the opposite principle of moral force would have been. I do  
“ not wish it to be thought that I would accept agitation as a substitute for other  
“ and more practical modes of action, or that I would put it on a level with them.  
“ I fully agree with Mr. Froude that liberty has to be achieved and retained by  
“ material power, and I have all my life repudiated the false and immoral doctrine  
“ that an enslaved people are not justified in appealing to the sword. But  
“ calling on people to take up arms will not make them do so. Supposing we  
“ allow that the object aimed at is liberty, and that the most fitting means of  
“ gaining that object is war, still I maintain that even for such an object,  
“ and the creation of such means, public movements and every form of  
“ popular representation is of service in preparing for the final struggle, provided  
“ they be properly used. Good men hold back and allow bad men to become  
“ leaders of people, and when they find that the people are sold they cry aloud  
“ against public movements. In doing so they condemn the greatest power of  
“ modern times, the free expression of the popular will. What is it that has  
“ freed the greater part of Europe from the thralldom of ages—which has raised  
“ the masses of the people so high—that Montalambert has declared that there



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ was only one power that ruled the world, that could pull down or build up,  
 “ alter or abolish governments, and that that power was the power of the people.  
 “ How did the people raise themselves to such a position? By proclaiming at  
 “ the hustings and in the council, from the public platform, or from the dungeon,  
 “ the scaffold, or the battlefield, the great Republican doctrine—that all men are  
 “ equal. They fought the aristocracy with every weapon and on every ground,  
 “ and with every weapon and on every ground they were victorious. They refused  
 “ no mode of action, no opportunity. Always ready at the proper time to throw  
 “ down the gauntlet, or to take it up, leaving an honourable means untried, that  
 “ courage guided by wisdom might suggest. I agree with Mr. Kickham that our  
 “ country is not more disunited now than it has been in the past; but the men of  
 “ the past failed through their disunions, and we shall also fail if we do not put an  
 “ end to them. Perfect agreement is not attainable in this as in all other  
 “ countries. But if men are agreed as to the end, they need not differ about the  
 “ means. I did not mean that the Convention which I proposed should come into  
 “ conflict with the Home Rule movement. Nor did I intend that it should be a  
 “ thing merely of resolutions, or nothing but a protest, though I used the word.  
 “ But I did hope that, if carried out, when the delegates were assembled they  
 “ would inaugurate a new movement, having its clubs throughout the country.  
 “ Such a movement could not go as far as some would desire, for such movements  
 “ have to keep within the law. But there is the great question of the land and  
 “ its transfer to the people. There is also the still greater question of the rela-  
 “ tions of the national cause with the Catholic Church of this country. This  
 “ latter question is all the more pressing as the elective power formerly possessed  
 “ by the clergy is now gone, and with it the independence of the Irish Church.  
 “ All is now done by the central authority, and the central authority, so far as  
 “ politics is concerned, is in the hands of England. Then there is that other  
 “ great work, the advancement of Republican principles in this country—a  
 “ country where they are required more than any other country in the world.  
 “ Considerations such as these I have here stated caused me to obtrude on Mr.  
 “ Kickham in his retirement, when probably his desire was to be left alone.

“ I am, Sir,

“ Your obedient Servant,

“ MATTHEW HARRIS.”

Then Mr. Harris has also furnished me, in print, two letters which I do not recognise; one is dated March 20th, and appears to have been sent to the “Freeman’s Journal”; that must be 1880. Then there is a letter from the editor, saying, “I regret that just now we cannot find room for your letter.” And also a letter of January 14th, 1879, addressed to the “Irishman” by Mr. Harris, and with the assistance of my friend I cannot find any reference to these letters in the evidence. Probably the better course will be, if there is no objection, for Mr. Soames to place these in the hands of Mr. Lewis with a request that if Mr. Harris has any information that he can give he will give it, so as to see whether they can be put in evidence.

There is a document that Mr. Harris referred to in this sense. Your Lordships will recollect that one of the witnesses said that Mr. Harris delivered a funeral oration on the occasion of the funeral of a man named John O’Mahony. Mr. Harris said he did not make a speech; that he had prepared a speech; that Mr. Kirkham wished him to do so; that this document was seized. I forget whether it was published. The speech was not delivered, and in this sense Mr. Harris referred to it.

(*The President.*) Did Mr. Harris express any wish that it should be read? I think if he did it should be.

(*Sir H. James.*) I think that that was certainly the result of his evidence that he would wish it read. I think that was the tendency of Mr. Harris’s evidence.

(*The President.*) If that is so it had better be read.

(*Sir H. James.*) If your Lordship pleases. This is headed:—

“ FUNERAL ORATION BY MATT. HARRIS ON THE DEATH OF JOHN O’MAHONY.

“ It has been decided by those who control proceedings here to-day that, on  
 “ this most solemn occasion, none but a ’48 man should deliver the funeral  
 “ oration.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ A little time ago and this condition would have included some of the  
“ greatest men, the greatest orators, that ever this land of orators has given birth  
“ to. But, alas, so many brilliant stars have fallen lately, the grave has closed  
“ over so many of Ireland's noblest sons, that few of the '48 leaders now remain  
“ to grace this funeral with their presence, to breathe hope into our souls by the  
“ magic of their eloquence, and mould into words the mournful thoughts which  
“ load our hearts this day as we stand beside the grave of John O'Mahony.  
“ Mr. P. J. Smith was asked to perform this duty, and he declined. Other  
“ orators of later growth were willing to fulfil the same melancholy task; but the  
“ committee, no doubt influenced by their patriotism, decided that it was better  
“ that an unskilled hand, rather than a doubtfully sincere one, should strike the  
“ chord, the melancholy chord, that vibrates throughout this land to-day; hence  
“ they selected me.

“ And it may be as well, for John O'Mahony is no theme for the mere orator,  
“ the man of words who says everything and does nothing. His virtues, his  
“ heroic deeds, his great sacrifices, have raised his name and fame so high that  
“ the art of the mere word painter fails to reach him. The lines of his character  
“ were too free, too bold, for the mere phrasemaker to follow. The lights and  
“ shadows, like those of his native Galties, had a breadth, a magnitude, a  
“ measureless gradual about them that words, however fine, cannot picture or  
“ describe.

“ Those who knew him best said that John O'Mahony belonged to the past  
“ and to the future more than to the present. To the past, with its men of large  
“ hearts and noble gifts—men we cannot measure except by the courage they  
“ displayed, the sufferings they endured, in those days of old when excess of  
“ human passion and human feeling gave rise to generous emotions, which in  
“ their turn wrought mighty revolutions.

“ But if in these things John O'Mahony belonged to the past, in political ideas  
“ he belonged to the future. To the future in all that good men strive for; to the  
“ future when men shall learn that to be least selfish is to be most wise; to the future  
“ when cruel laws and cruel wars shall cease, and virtue, and reason, and equality  
“ prevail among the sons of men; to that coming time when justice shall resume  
“ her unbiassed sway, and liberty erect her peaceful fanes upon the thrones of  
“ forgotten tyrants—tyrants who now rule the world with the blood-reeking  
“ sword in one hand and gaunt famine in the other.

“ When that future shall have come it will do honour to John O'Mahony.  
“ It is those who lived in the past, the far-off past, that could most fittingly sing  
“ his dirge. The past, when the wild unmeasured wail of a thousand mourners  
“ chanted forth the deeds of departed heroes, when the loud ullophone echoed  
“ through our valleys as the long train of weeping keeners rehearsed the losses  
“ and sorrows of the living, the victories and triumphs of the dead. In such  
“ times and with such mourners should John O'Mahony go to his last home.  
“ Restrained by no rules but those of nature, they could describe, as no orator  
“ can do, the deeds of the great man dead. In the soft language, and softer  
“ music of the Gael, they could unfold the story of his life. A life made up of  
“ springtime and winter; no summer, no autumn. Spring with its bright  
“ visions of liberty, greatness, and glory—visions all the more bright  
“ and glorious because he believed his country was able and willing to  
“ realise them. Visions that did not begin and end in dreamland as most  
“ youthful visions do, for the practical efforts of the man were on a par with the  
“ generous aspirations of the boy.

“ The '48 period is distinguished for the number of able men it produced—  
“ men greatly gifted though differently gifted. Among them all he was  
“ distinguished for consistency and constancy—constancy not only in sentiment  
“ and principle, but also in the number of practical efforts which he made.  
“ Unswerving devotion to principle with constant practical action are the true  
“ characteristics of a genuine revolutionist, and in these qualities he was  
“ unsurpassed.

“ I cannot touch on, much less recount, a tithe of his efforts during the '48  
“ period. How he walked 50 miles in 12 hours; his repeated efforts to raise the



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ people ; his constancy as a patriot ; his courage as a soldier ; his fidelity as a friend. History tells us how vain were all his efforts ; how his hopes were blighted, his projects baffled, until at last, forced to give up the fruitless struggle, he left the field, as the brave mariner leaves the ship his skill or courage can no longer save.

“ The enemy holds our towns, our churches, our castles, all these are the work of men. The broad lake, the deep morass, the lonely mountain they cannot hold, they cannot entirely people with their myrmidons, for these are the work of God. Now, as of old, they give shelter to the hunted patriot. He sought their shelter ; he took to the Camaraghs. The wail of the ullohone would here be loud and deep, as in broken accents it traced the wanderings of the fugitive over the wild moor, the lonely pass, the bleak mountain side, calling on each object of material nature to aid his flight ; the loud wind, the roaring torrent, to drown the noise of his falling footsteps ; the mountain mist, the forest shade, to close round and hide the hunted rebel from the inhuman blood-hounds that pursued. Such no doubt would be the nature of their dirge, for such was the poetical language of the ancient Gael in the ancient time.

“ After many dangers he reached Waterford, here for the first time he gave way to tears. The weight of his (*sic*) came down on him as he gazed upon the sea he was about to cross, and upon the shore he was about to leave. That shore, the noise of whose surges is ever mingled with the wail of departing emigrants, every pebble on whose beach has over and over again been moistened with their tears. He crossed to France, he reached America. In France, in America he was always restless and uneasy. The land of Washington that has given homes to so many of his countrymen was no home for John O'Mahony. The home of his heart, of his hopes, of his fears, of his joys, and of his sorrows was Ireland. There was no divided allegiance in the man. The morning of life found him facing the enemy of his country ; the evening came, and it found him still confronting the same foe.

“ The great labour of his latter years was the building up of the Fenian organisation. The toil he underwent in working up that movement was sufficient to break down the strength of 10 ordinary men ; friends who knew his easy disposition were astounded at the energy he displayed. As the movement grew, his strength and energy seemed to grow with it. The inward man sustained him—love for the cause—that zeal—that enthusiasm which has done more for man than ever he has had the faith to believe or genius to comprehend. That incomprehensible swelling of the soul which makes men too big for the narrow paths of custom, too strong for the iron bonds of the oppressor. It was this divine power that sustained him in his labours, as it has in all ages sustained our downtrodden people. But though it strengthened and sustained him as he rose, it did not sustain him in his fall ; and why ? Because he felt that his country had fallen with him.

“ I need not go over the history of those times, they are familiar to most of you. The organisation of which I speak, take it all and all, was the greatest revolutionary movement of modern times. Shallow men judge it by its immediate results ; nothing could be more unjust. The disunion which arose in America shattered it to atoms. I shall not say a word about that disunion, let it be buried in the grave we stand beside to-day. Since Strongbow landed on our shores, no heavier blow ever came down on Ireland. I believe the masses of the fighting men beyond were anxious to advance on Canada. I know, as a matter of fact, that the good men at home scouted the idea of any fighting ground but Ireland. Divided they were powerless to fight in either place ; for in a political movement whose only cement is brotherhood and patriotism, demoralization follows disunion quick as the thunder peal follows the lightning flash.

“ From that time John O'Mahony declined, although he strove bravely to bear up, and was always ready to give a helping hand to any good cause that might help to free Ireland ; but he was too wise a man not to know how hard it is to build a new edifice out of the broken fragments of an old one.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ His literary, like his more practical labours, were all directed towards increasing the glory of his country. He was a lover of antiquity, but it was antiquity in its own place, in the gloom of former ages, in the periods to which it belonged. As such he was willing to cherish, to venerate it; but he had no desire to exhume or renew former social conditions. He knew that as the noblest tree, wanting the pure air of heaven, soon decays; so it is with men and institutions in Ireland wanting the healthy atmosphere which liberty alone can give; they, too, decay, the mildew of slavery affects them; they fall off; they become rotten as they become old.

“ A republican more through conviction than feeling; he often said that the Irish aristocracy, if freed from the control of England, would soon become the first aristocracy in Europe. When he weighed them in the balance it was no unfriendly eye that watched the beam; and it was with deep regret he found them wanting. Like all good-minded men he was willing to forget the past, but he could not shut his eyes on the present. He saw clearly how their selfishness and avarice were desolating his country. He saw that in their pride they turned from the paths of industry and brought others with them. Viewing these things from the highest standpoint, from the standpoint of a just man and a good citizen, he decided that the establishment of an Irish Republic was the only effective remedy. And as the great Cardinal Richelieu laid the foundation of France's prosperity by raising the merchant to the level of the titled noble, so would he lay the foundation of Irish prosperity though in a different manner, by lowering the Irish gentry to the same level of the merchant.

“ The exclusion of his remains from the Catholic churches of Dublin is a matter of such grave import that it challenges attention even at this solemn hour. To those who care to observe current events this exclusion has caused little surprise. To Irishmen who know the history of their country it must cause even less. For there was a time when, within the English pale, an Irish priest dare not enter a Catholic church, then why should we wonder if, in our time, the body of the Irish patriot is excluded? At the Reformation these distinctions between Anglo-Catholicity and Irish patriotism vanished; for in adversity our churchmen, like the Anglo-Norman barons, became intensely Irish, but they have revived with her reviving prosperity.

“ The fault is her own. As Irishmen we slept on our post, and in our slumbers dreamt. Ah! fallacious dream, that when we had gained emancipation we had freed our religion, to-day we are awake and find that it is what we have enslaved her. In the nightmare of our slavery we forgot that before a nation can free anything she must first free herself. At the bidding of England's infidel statesmen resting place and sanctuary are denied to Ireland's noblest sons. To Irish Catholics this is a bitter though a wholesome lesson, for it teaches that for them, as for all other slaves, there is no refuge but the sword, no sanctuary but the battle-field. I do not utter these words in a spirit of anger, the presence of the dead forbids such a sentiment. But even here, at this solemn hour, we hesitate not to proclaim that liberty is the inheritance of our country, and that he is an unworthy son of this fair land who would not strive to achieve it by every means that honour and expediency dictates.

“ On this point there must be no misconception: We repudiate, with horror, the false and immoral doctrine that to rebel against England, who has brought numberless calamities on our country, is to rebel against Divine Providence, who sends us every blessing. As well might it be contended that to oppose the malignant powers of hell was to offend the sacred majesty of heaven.

“ Christianity brought no such lesson to our shores. It came not in the host of conquerors, nor in the train of despots. It came in peace and mildness. It was received in the same spirit. Its mission was to free, to enlighten, to sanctify, not to oppress, to curse, or to enslave. St. Patrick, himself a liberated slave, began his mission by liberating slaves. His disciples followed in his footsteps. And while they raised the poor, down-trodden bondsman with the one hand, they did not hesitate to threaten the tyrants who oppressed him



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

“ with the other. From our shores went forth men great—in the greatness of  
 “ their virtue, barefooted friars greater than the kings whose crimes they feared  
 “ not to denounce. Men so careful of their liberty, so watchful of their inde-  
 “ pence, so distrustful of foreign interference, that for centuries they refused  
 “ to alter the form of their tonsure, or change the festival of Easter. So true is  
 “ it that when Ireland was a land of saints it was a land of liberty.

“ Then let us hope that those good saints who in their virtue defied the  
 “ wrath of tyrants may soften the way for him whose loss we here deplore, for he  
 “ too defied their wrath. Resting place has been denied him. Earthly temples  
 “ have been closed against his lifeless body by dwellers here below. Then let us  
 “ hope that those who dwell above, more merciful, may open the gates of heaven  
 “ to his soul. The old holy wells seem now at last to be in possession of the  
 “ English. No priest has dared to come and sprinkle their healing waters here  
 “ to-day. Then let us give a nation's tears instead, tears and prayers to Him  
 “ who made the waters, who sends the falling dews, the vernal showers, that  
 “ falling there may fall with them numberless blessings on his grave.

“ Brought from the hospitable shores of Columbia, he is now at the entrance  
 “ to his last home. Then let us bid him welcome. Let me in the name of the  
 “ hundred thousand men I see here before me give all that remains of the great  
 “ Irish patriot a genuine, though a sad, *cead mile failthe*. For he was a true  
 “ Irishman, that the power or wealth of England could not prevail against; may  
 “ she never prevail against our country. And with a hundred thousand welcomes  
 “ I may ask you to offer as many prayers, praying to that God who from youth  
 “ to age kept alive the love of liberty in his breast, who for 700 years has kept  
 “ it alive in the breasts of our noble people, to have mercy on his soul.”

(*The Attorney-General.*) My Lord, we have very carefully considered the observations made by your Lordship to Sir Henry James on Thursday with reference to what our views would be as to certain persons who one might have anticipated would have been called in the box, and whom at present, as far as we understand, there seems to be no immediate likelihood of their being here. We might concur, if we might be allowed respectfully to say so, in the view that there are of course witnesses whom it was anticipated would have been called by my friends who are now absent from the case. I particularly refer to witnesses who would throw light upon the question of the documents and books of the Land League. It is probably not necessary at the present moment that I should specify their names, although, if your Lordships wish me to do so, I should be prepared to do it at a later stage. Of course I must point out the difficulty we have of cross-examining witnesses who have not given evidence-in-chief; and further, we naturally object to the position in which witnesses would be placed by being compelled to answer questions when they have no counsel either to examine them in chief or re-examine them; but of course we cannot shut our eyes to the words of the statute which require your Lordships to inquire and report upon the charges and allegations, and having regard to the importance of the Land League documents and books, if your Lordships thought fit to direct that certain of these witnesses who could account for and trace the existence of them if they still exist might be summoned, we should respectfully ask that we might be allowed to put some questions to them. It seems to us that as a part of the inquiry which it is our duty to follow up, as far as we possibly can, and as far as it is in our power to assist your Lordships in any way subject to that I do not know that we should indicate any class of witness I should think it necessary to put questions to, having regard to the evidence which has been already given and which is upon the note, and upon which we can comment when it comes to our turn to address your Lordships. Therefore, subject to your Lordships' better judgment, we will respectfully ask whether now or at some later period some of the witnesses who have been mentioned as connected with the Land League books and documents should be summoned so that we might have an opportunity of putting certain questions to them as to what has become of these books, and if they are still in existence, inviting the production of them before the Court.

(*The President.*) We have no observations to make at present.

(*The Attorney-General.*) Then I think in redemption of my application I ought to at once ask Mr. Parnell a few questions in reference to matters that have been postponed.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

Mr. CHARLES STEWART PARNELL, M.P., recalled; further cross-examined by the ATTORNEY-GENERAL.

96,087. Have you since you were examined, I think if I remember rightly the date of your examination was in the beginning of May, made any personal inquiry about the Land League books?—Yes, I have. I have asked Mr. Lewis to subpoena Mr. Maloney.

96,088. I may take it what you have done was through Mr. Lewis?—I asked Mr. Lewis to subpoena Mr. Maloney to produce any books that he has in his possession, and I also asked him to see Mr. Maloney and ascertain from him whether he had any books in his possession. I indicated to you when I was in the box that Mr. Maloney would be the only person within my knowledge outside the ranks of the Irish parliamentary party in this country who would be likely to know anything about these books.

96,089. What you have done has been done through Mr. Lewis, then?—Yes.

96,090. You have not personally seen Mr. Maloney, or questioned him about them yourself?—I have not.

96,091. Nor I understand any other person who was formerly in the employ of the Land League?—I have not seen anybody except my parliamentary colleagues in reference to those books.

96,092. I excepted the parliamentary members, I meant clerk, as for instance, a man whose name has been mentioned, Burton or Pearson?—No, I do not know those people at all. I believe Burton went to America some years ago, nine or ten years ago, and it would have been impossible for me to have gone to America to find him out.

96,093. I may take it with regard to the efforts you yourself have made, as you have stated very frankly, it is by requesting Mr. Lewis to take certain steps?—Yes; I had previously taken all the steps I could for the purpose of ascertaining the whereabouts of these books.

96,094. This you have told us in your previous evidence. I am asking you a question with regard to the bank account. Before I come to the counterfoil cheques, tell me from 1881 to 1883 what bank accounts were you keeping?—Practically none, except the account at the Hibernian Bank in O'Connell Street, Dublin, in the name of myself, Mr. Arthur O'Connor, and Mr. Dillon.

96,095. You say practically none. I want to know, as a matter of fact, whether you say that there was no other account open. It is not a question of practically none?—I believe my old private account at the Hibernian Bank, which has practically ceased to exist, had ceased to be an operative account when I went to America at the end of 1879, did remain open and, as far as I know, it remains open to this day. I doubt whether it has been completely closed. I made no inquiries about it.

96,096. In what name?—In my own name.

96,097. Nobody else in connexion with it, your own name only?—My own name only.

96,098. Am I to understand besides the accounts which have been disclosed at the Hibernian Bank—I will indicate what I mean to you, that is to say, the account which stood in the names of Dr. Kenny, Mr. Biggar, Mr. William O'Brien, Mr. Maloney, and so on—those accounts—that you had no account except your private account open at that time?—None.

96,099. Not in any bank?—Not in any bank as far as I can recollect.

96,100. I wish to put a question to you—you say as far as you recollect. I must ask you whether you are certain there was no other account opened through which any moneys passed?—No; there was no account of mine in my name, I believe.

96,101. Was there any account in any other name through which you passed moneys?—No.

96,102. Then the only accounts through which you passed moneys are the accounts in your name at the same bank?—Quite so, at the central office, College Green; the account in my name was at the central office, College Green.

96,103. Had you any other account at any branches of the Hibernian Bank?—At Wicklow.

96,104. In your own name?—No, in my agent's name; but it is my account for the purposes of the transactions.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,105. At no other bank had you any account between 1881 and 1883?—Oh, that account was not open at that period at all.

96,106. I was dealing with that period?—I beg your pardon, yes; I had that account open.

96,107. Subsequently to 1883, had you any account besides the National Bank account?—No.

96,108. Now with reference to a number of cheques that passed through the National Bank account which I asked you a question about on the last occasion, is there any book which shows for what purpose those cheques were paid?—Through my own account?

96,109. Through the National Bank account?—No, I did not keep any account of my own; I never have kept any accounts since I employed an agent to look after my personal affairs.

96,110. I am not quite sure that you are following me. At first you thought the account of the National Bank was a purely private account?—I never thought so, and I never said so. I have already stated to you over and over again, when I was in the box previously, I intimated to Mr. Soames that you were entitled to an inspection of that account during the earlier years, when I was making payments of the old liabilities of the Land League—not subsequently.

96,111. What I desire to know is, whether or not you have any details, or any statement, or any record of the purposes for which those cheques other than private cheques were paid?—None whatever. I have handed you all the cheques which were paid for purposes other than private purposes during those three years, 1883, 1884, and 1885.

96,112. Now, there is an account, Parnell, Dillon, and O'Connor?—That is the account at the Hibernian Bank.

96,113. Is there any book or statement of accounts?—No, certainly not.

96,114. Kindly listen for a moment to my question, showing the purposes for which?—Certainly not, except so far as some of the payments may have been entered in the books of the Ladies' Land League. Of that I have no knowledge.

96,115. Except in so far that some of the cheques may have gone either to repay, or relate to items in connexion with the Ladies' Land League?—Quite so. I do not know how far they entered those payments in their books. It may be they entered all of them, or none of them, but that account was opened for a temporary purpose, and I did not think it worth while to open a set of books or employ a secretary to keep a set of books. It was opened *ad interim*, for a temporary purpose, and it only lasted a short while till I could form [the Mansion House Committee for the relief of evicted tenants, and the purposes for which those cheques were drawn were all very fully entered in the blocks, and those blocks have been supplied to you.

96,116. I am speaking of matters which have been brought to my attention since you were examined. In the year 1884 there is stated to be a national fund at your disposal. Do you recognise the name?—I cannot be responsible for the method of statement adopted by other people with regard to funds at my disposal.

96,117. I am referring to National League funds?—I say I cannot be responsible for methods of entry adopted by Mr. Webb, or whoever was entering.

96,118. I am not wishing to put a responsibility upon you, only to follow up a question?—I had bonds under my control, and under the control of my co-trustees in Paris at that time, which I imagine must be the national funds referred to.

96,119. Through what account would any bonds which were sold in order that you might pay or meet the claims of the Land League go?—I do not recollect I did sell any bonds to meet the claims of the Land League.

96,120. You said just now you had French bonds or funds in Paris at your disposal?—Yes.

96,121. I call your attention to this, at the end of 1883, as the documents disclose, applications were made to the National League for back debts of the Land League?—Yes, and the treasurer declined to pay them.

96,122. I call your attention also that at the beginning of 1884 the national fund at your disposal was referred to in the proceedings of the National League, and requests made to you that you would pay Land League accounts out of the national fund—do you follow me?—Yes, I follow you.

96,123. Now I must put it to you, is it not the fact that about the beginning of 1884, or the end of 1883, moneys were remitted from Paris from the proceeds and



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

sales of securities, or otherwise, to meet those payments?—My recollection is that the accounts Mr. Webb wished me to discharge in that letter were subsequently paid by him, and that coupons or drafts were sent by me—drafts, the proceeds of the coupons in Paris, were sent by me to the National League. That is my recollection of it.

96,124. Is not it the fact that securities were sold in Paris, or moneys were remitted; I mean principal moneys were remitted from Paris to meet the payments which were due or claimed from you in reference to the old Land League?—Securities were not sold, but the proceeds of the coupons were remitted to the National League for that purpose.

96,125. Through what accounts would those go?—I cannot tell you, indeed.

96,126. I must ask you to try and think through what accounts would any remittances to the National League or the Land League go?—I do not know what accounts there were in reference to the National League in Dublin.

96,127. You must have good authority for the money to be paid over?—I presume I would have written to Messrs. Munro and ask them to forward the drafts.

96,128. May I take it you did ask Messrs. Munro to forward the drafts?—I can only speak from recollection. My recollection is not perfect in regard to a matter which took place seven or eight years ago.

96,129. Assuming there were moneys remitted from Paris, I must ask you the way in which direction would be given to remit the money?—That is the only way I would know of, either I or one of the trustees would write, or, perhaps, both jointly.

96,130. Who were the other trustees?—I cannot tell you who were the trustees at the time.

96,131. Think?—Mr. Biggar was one of them.

96,132. Who were the others besides you and Mr. Biggar who were trustees of the money in Paris?—I cannot tell you all their names, Mr. Biggar was one of them. Mr. Biggar and I would perform the business in connexion with the matter.

96,133. Had any two authority to sign?—Either two or three, I am not quite certain.

96,134. I do not suppose you have constantly had moneys invested in France in the names of yourself and other trustees. Try and think. Who are the three trustees?—I think Mr. Justin McCarthy was another one.

96,135. Mr. Biggar, Mr. Justin McCarthy, anybody else?—I cannot recollect anybody else.

96,136. Was not Mr. Egan one?—I do not know whether Mr. Egan was trustee at the time.

96,137. Was not Mr. Egan one of the trustees in Paris at that time—one of those whose names the moneys were in?—He was originally, up to the time when he went to America. He never acted as trustee.

96,138. The date we have proved as the date of Egan leaving for America is somewhere about the beginning of 1883, up to the time of his leaving did he not remain trustee?—I cannot tell you that; I do not know whether he did or not.

96,139. Would you undertake to say he did not?—I say I do not know.

96,140. But as far as you know, forgive me for pressing you, had any change been made in those who were the trustees of those moneys before Egan's leaving?—I cannot say whether when Mr. Egan left Paris he resigned his trusteeship or not, or whether any change was made.

96,141. Can you suggest any reason for any change having been made in the trustees before Egan left Paris?—No, not that I know of.

96,142. Is it not the fact that the funds remained in Egan's name up to 1885?—I cannot tell you that.

96,143. Would you undertake to say it is not so?—I have already told you I have no knowledge about the matter.

96,144. You cannot say because you have no knowledge. You have stated yourself and Mr. Biggar, and you think Mr. Justin McCarthy, were some of the trustees. This is a matter of importance, that I would suggest you would not be likely to have forgotten. I must press you. Is it not the fact that new trustees were appointed in 1885?—I do not recollect that.

96,145. Will you undertake to say it was before?—I do not know whether it ever happened before that new trustees were appointed.

96,146. You say you know Egan was a trustee first of all?—Yes.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,147. Is he a trustee now?—He may be for aught I know. I do not know whether he is or not.

96,148. Do the funds still stand in your own name?—In my name.

96,149. Who else?—Mr. Biggar and Mr. Justin McCarthy.

96,150. Do I understand you to represent to my Lords that you do not know whether Egan is still a trustee or not?—I do not.

96,151. And do not know whether any change has been made?—I do not know.

96,152. What was the amount of those funds, Mr. Parnell?—I could not tell you at all.

96,153. I mean was it 20,000*l.*?—I could not tell you; it might have been 100,000*l.*, it might have been 50,000*l.*, or it might have been 150,000*l.*; the amounts were constantly varying from time to time according to the calls upon them, and I do not know what the amounts were, or what the amount is at present.

96,154. Did the moneys which were so invested come from America?—Some of them did, and some of them did not.

96,155. Largely?—Largely.

96,156. Do I understand that you cannot tell me even approximately what were the moneys that were invested in your name and Mr. Biggar's in Paris?—No, I have not the slightest idea.

96,157. Not within 10,000*l.*?—Not within 10,000*l.*, 20,000*l.*, 30,000*l.*, or 40,000*l.*

96,158. And have you no account of these trust funds?—No, we never had any account of them.

96,159. You are a man of business, Mr. Parnell, you understand these things?—I beg your pardon, I am not a man of business, never was, and never shall be.

96,160. Do I understand you to say that there is no record of these moneys, what they are, what has become of them, and that you do not know where that record is to be found?—No, we had no record, and never had any.

96,161. And none which would give me information respecting the Paris funds?—I am sure I do not know.

96,162. You have no knowledge?—No.

96,163. Or who are the present trustees?—I have told you the three trustees whom I know of, Mr. Biggar, Mr. Justin McCarthy, and myself; these are the gentlemen with whom I have had dealings in recent years with regard to these funds and with regard to these bonds.

96,164. Do you know whether the funds are still in Paris or are they in America?—The funds are in Paris.

96,165. The whole of them?—Yes.

96,166. Are there remittances made to America?—I have not heard of it.

96,167. Do you know whether there have been?—I have never heard of it.

96,168. Do you know that remittances have been made to America by two trustees—by others than yourself?—Remittances might have been made to America while I was in Kilmainham.

96,169. That would be the beginning of 1882?—The funds could have been dealt with apart from me while I was in Kilmainham, but not afterwards.

96,170. By which you mean up to May 1882?—Yes, I suppose that would be the time.

96,171. I do not think you have been in Kilmainham since the beginning of May 1882?—No.

96,172. Was there more than one account kept of these trust funds?—I should think not.

96,173. Are you sure?—I am not sure, but that I do not know.

96,174. Where was the account of the trust fund kept?—At Messrs. Monro's.

96,175. At Messrs. Monro's in Paris?—Yes.

96,176. Anywhere else?—Not that I know of.

96,177. Was there any account at all at the Credit Lyonnaise?—Not that I know of. I never heard of it.

96,178. As far as you know Messrs. Monro in Paris were the bankers of the fund?—Yes, as far as I know, there might have been an account at the Credit Lyonnaise, but I never heard of it.

96,179. What was the custom as to this trust fund; was it invested or not?—Sometimes it was re-invested, and sometimes it was used for current expenses, and so forth.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,180. Do you mean current expenses of the National League, or the current expenses in connexion with the parliamentary party, or what?—The current expenses of the National League and the current expenses of the parliamentary party, perhaps.

96,181. I should just like to ask the way in which the money used to be remitted. Was the money remitted to England, and then from England to Paris, or direct from America to Paris?—What money?

96,182. The money which was afterwards vested in trust and held in trust by the trustees?—When?

96,183. At any time?—At any time; well, the practice used to vary; sometimes it would be remitted to this country, and sometimes to Ireland, and sometimes to Paris direct.

96,184. Did it go through any account in this country?—Not that I know of; there would be a draft sent from America drawn on a bank in this country which would be forwarded, I suppose, to Paris in the ordinary course.

96,185. I wish to get from you what your recollection is of the way in which it was done, the drafts were sent from America on an English bank, and those drafts were sent direct to Paris to be cashed?—I know this that drafts have frequently come from America, drawn on English banks, and then been sent on to Paris.

96,186. Was Messrs. Brown Brothers one of the firms in America which remitted from New York?—I cannot tell you at all.

96,187. Have you no recollection?—No, I do not recollect.

96,188. I put it to you, coming as it did to tens of thousands of pounds, have you no recollection who remitted it from New York?—No; remittances would come from scores of bankers, it would be quite impossible for me to carry them in my head.

96,189. I understand you cannot recollect any of them?—I remember Eugene Kelly.

96,190. Of where?—Of New York.

96,191. Messrs. Brown Brothers, of New York?—I do not recollect Messrs. Brown Brothers.

96,192. Not at all?—No.

96,193. The name conveys nothing to your mind?—No. I have no particular recollection of Messrs. Brown Brothers. I know there is such a banking firm as Brown Brothers in America, whether they have ever remitted to us or not I cannot say.

96,194. Is there no account in an English or Irish bank through which those moneys passed?—I did not say that, I have just told you that drafts would come from America payable on English banks.

96,195. I must ask you to try and recollect the name of some of these banks through which the drafts passed?—I do not recollect at all.

96,196. Do you not recollect any?—No, I cannot recollect any of these banks at this moment.

96,197. Did they pass through Alexander's?—I think not.

96,198. Then you do not recollect any of these banks through which these large sums of money passed?—No, my connexion, of course, with these financial matters was only casually, at intervals.

96,199. Should you describe that Mr. Biggar's connexion was also casual?—No, Mr. Biggar, I think, would know more about the banks than I do.

96,200. Would know more about these trust funds than you do?—But you seem not to have asked him about these matters.

96,201. I am asking you questions, please; you have mentioned payments made of the debts or moneys that were due from the Ladies' Land League; have you taken any steps to try and discover the Ladies' Land League books?—Not the slightest.

96,202. Either in whose custody they are?—No.

96,203. Or what has become of them?—No.

96,204. Whether they are in existence or not?—No, I have not taken any steps whatever, and I do not intend to take any.

96,205. Has your attention been called to a statement of Mr. Dillon's recently published that there was a secret account of the Land League money?—No, I have not seen it at all.

96,206. Have you been following at all Mr. Dillon's utterances in Australia?—Not at all, and I think, in fact, you would find it rather difficult to get an account of Mr. Dillon's utterances if you have to rely upon the reports in the London papers.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,207. I am speaking of the Australian papers?—I have not seen any of them.

96,208. Have you any knowledge of any place in which the Land League accounts are still kept?—The Land League accounts?

96,209. The Land League accounts?—Certainly, there is no such place in existence, the League has ceased to exist since 1882; so far as I know there are no accounts connected with it.

96,210. The ceasing to exist of an organisation would not of necessity destroy all the papers?—You mean the books of the Land League?

96,211. I am speaking of the accounts of the Land League, and of their being still in existence, and being kept secret, do you know of any such place?—I am inclined to think, looking over the evidence which was given by the expert whom you employed to make calculations on the subject, that the books which show the Land League expenditure from the 16th October 1879, that is from the date of its formation to the 4th February 1881, would be in Mr. Egan's possession; that he took them with him to Paris when he left this country early in February, because it had not then been determined whether the Land League operations should be carried on from Dublin or from Paris, and that he took these books with him at that date, at the passing of the Coercion Act, when he decided that he should leave Dublin and go to Paris for the purpose of carrying on the work of the Land League, if it should become necessary for him to do so, from that city, and that he has never returned them.

96,212. I will note that date, Mr. Parnell, directly, 4th February 1881?—From the 16th October 1879, that is the date of the formation of the League, to the 4th February 1881, I believe Mr. Egan took the books with him of all the Land League expenditure during that interval, when he went to Paris.

96,213. Now you referred to some expert's evidence which you said you had read. What is that?—The evidence of the expert you employed yourself.

96,214. Who?—I forget his name.

96,215. I must ask you what evidence you mean? I wish to identify what you have read?—I mean the evidence of the expert you employed to look over the banking account.

96,216. Do you mean the evidence before my Lords?—Yes.

96,217. I wish you would refer me to the witness or the person you mean?—I do not recollect his name. Mr. Lewis will give you his name.

96,218. The only expert I am aware of is Mr. Hardcastle?—That is the gentleman.

96,219. I will lend you the shorthand note. Perhaps you have referred to it. Will you give me a reference to any evidence of Mr. Hardcastle bearing upon this point?—I say that from an examination of his evidence, and from my recollection of what happened at the time, that is from 1879 to February 1881, I believe that those books showing the expenditure of the Land League during that long interval were taken by Mr. Egan to Paris with him, and that he never brought them back again.

96,220. When did you come to that conclusion?—After I read the evidence.

96,221. How long ago?—Two or three days ago.

96,222. Two or three days ago?—Yes.

96,223. Do I understand two or three days ago?—Yes.

96,224. You read this evidence two or three days ago?—Yes.

96,225. You mean that?—Yes. I read some of it.

96,226. For the first time?—Yes, for the first time.

96,227. You said just now, you let fall, "and from your recollection of what passed"?—Yes, and from my recollection of what happened in 1881.

96,228. Then do I understand that something has refreshed your memory, and it now comes back to your mind that Egan did take the books away?—Certainly.

96,229. Have you taken any steps to communicate with Egan?—No, I have not been in communication with Egan in reference to this case at all. Mr. Egan is now in Chili, and it would be very difficult to communicate with him.

96,230. Well, whether difficult or not to communicate, what I desire to know is this. Have you ever expressed this opinion that Mr. Egan had taken these books away until to-day?—No, I never came to that conclusion until I read the evidence of your experts; and I think you ought to allow me to say why I came to that conclusion so far as the evidence of your expert goes.

96,231. You shall say anything that my Lords think you are entitled to. I am merely putting certain questions, and I wish you to have every latitude; but I must



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

ask you this, and I will give you the book. Will you kindly tell me any passage in Mr. Hardcastle's evidence you have read: you said you had read the evidence of the expert?—And also from the cash books themselves.

96,232. Your answer was, you had read the evidence of the expert?—Well, the evidence of the expert shows there is a strong discrepancy between the amounts of money acknowledged by the Land League to have been received and the amounts which passed through the banking books and the amount shown to have been expended by the cash books of the League, which we have been able to find, and which we have produced. In examining these cash books I find that they commence in February of 1881, thus leaving the period from the date of the foundation of the Land League, namely, October 16th, 1879, to February 4th, 1881, without any books at all showing the expenditure; and I know that cash books were kept in the usual way in the offices of the Land League, and I recollect that Mr. Egan did take the books, showing the expenditure of the Land League, with him to Paris for the purpose, if necessary, of carrying on the work of the Land League from Paris at that date. He left about that period. He left about the commencement of February in 1881, and then fresh books were opened by his successor, Mr. Brennan, which books you have, with a short interval of two months, up to the autumn of 1882.

96,233. When did you read the expert's evidence to which you have been referring?—I read it two or three days ago.

96,234. You mean two or three days ago? I must press you a little more?—I did not read much of it. I just read the details about the amounts which had passed through the banks, and I also read your statement about the unexplained discrepancy between the amounts shown to have been expended by the League by the cash books which we have produced and the amounts which the bank books show, according to the statement of the expert, passed through those bank books.

96,235. Was it since you were here last Tuesday you read this? You said a few days ago?—Yes, I was looking into this question since I was here last.

96,236. Since last Tuesday?—Yes.

96,237. May I take it it is since Saturday?—Well, I cannot be precise as to the exact date.

96,238. Surely! We are only now on Tuesday morning?—I know that I was looking into this question last night.

96,239. Was it since Saturday you found this out: that Mr. Egan had taken these books away?—I cannot say.

96,240. Come, Mr. Parnell?—I cannot pin myself to the precise date when I found out that Egan had taken these books away.

96,241. You have made statements?—I have formed that conclusion from several circumstances.

96,242. That is not my question?—From reading your statement about the discrepancy between the amounts shown to have been spent by the books of the Land League, the amounts shown to have passed through the banking account, from a partial examination of the evidence of your expert, Mr. Hardcastle, and also from my recollection refreshed by this examination, and putting all these three things together I state that in my belief Mr. Egan took these cash books with him to Paris, and that he never brought them back again.

96,243. Is it since Saturday that you have formed that opinion?—I cannot say that I formed it very definitely until last night.

96,244. Then may I take it that that opinion was formed last night?—As fully as I have announced it in the box to-day.

96,245. Was it ever formed at all until last night?—Well, I have always believed that it was quite possible Mr. Egan might have some of the books of the League.

96,246. You always believed that through the whole course of these proceedings?—It is quite possible.

96,247. That is a belief that has been in your mind for months?—I have thought so. It was quite possible.

96,248. Did you take any steps to inquire whether he had got them?—No; I have already told you I have not communicated with Egan in reference to this case.

96,249. Did you direct any step to be taken by your solicitors?—I did not. I think Mr. Lewis has not been in communication with Mr. Egan either. Mr. Egan chose another channel with reference to his evidence—the very important and valuable



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

evidence that he sent over here which gave us the clue to the author of the forged letters—gave us the clue to Pigott and our first clue to Pigott; and he chose that channel; he chose Mr. Labouchere as his channel of communication, and I did not make any communication to him directly.

96,250. I take your answer, that having had this belief for months, you have not taken any step?—I have not taken any step, no.

96,251. Did you communicate with Mr. Labouchere and ask him to try and get the books?—No, I did not; I only communicated with Mr. Labouchere about the letters.

96,252. You say you formed this opinion last night on reading some documents: have you the documents you have read?—I say that the opinion I have expressed in the box to-day I definitely and conclusively formed last night.

96,253. But did you communicate to anyone the suspicion you entertained for months about the existence of these books?—No, I do not think so.

96,254. That you kept to yourself?—It was not very much upon my mind. I thought it possible that Mr. Egan might have some of the books of the Land League; but when the Land League books were first produced in Court, when they were first discovered, I understood they were the cash books for the whole period since the formation of the League; and it was only in consequence of your statement that there was this discrepancy, and in consequence of looking into Mr. Hardcastle's evidence that I examined the matter further, and I found that these books only commenced on the 4th February 1881.

96,255. Now, in the first place, what is my statement, if you please? Give me the page or reference to it?—Oh, I cannot tell you; I saw it in the newspaper.

96,256. Well, I must ask you?—Well, I cannot give it you.

96,257. You must not put that upon me without enabling me to check you. What statement of mine is it to which you now refer, as having aroused your suspicion, or having made you form that opinion last night?—I did not say it was your statement only that brought me to this conclusion. I said it was one of the factors.

96,258. One thing at a time. Will you kindly refer their Lordships to any statement made either by myself or any of the counsel to which you refer when you say you formed that opinion?—I refer to the questions which you put upon more than one occasion to witnesses, who could possibly know nothing whatever about the matter, as to the discrepancy between the amounts shown by the evidence of Mr. Hardcastle to have passed through the bank books and the amounts shown by the books of the Land League which we produced to have been expended. You have made the statement more than once. You have asked the question more than once.

96,259. You are referring to some document you read last night. Have you got it with you still?—No; I am not now referring to any document I read last night. When I refer to your questions I am referring to questions you put in cross-examination to more than one witness of ours with regard to this matter. This is what directed my attention to it first. That is what led me to inquire into it and to make these examinations, and I have come to the conclusion from all these circumstances and from my recollection which I have just given you.

96,260. You stated a few moments ago that you formed this opinion last night on reading the evidence of Mr. Hardcastle, and a statement which you said was mine. I desire to know what is the document you said you read last night? Have you got it?—Yes.

96,261. Will you give me the document, kindly, which you read last night?—I should like to have it back again, because I want to refer to it.

96,262. Certainly; is this the document you read last night?—That is part of the matter which I read last night.

96,263. I will ask my Lords to look at that. I do not see any reference to any statement made by me at any time?—Yes; but I did not say I examined into your statement last night. You made these statements perhaps a month or two months ago. I saw them reported in the newspaper, and I made these inquiries with reference to them.

96,264. Is that paper prepared by you?—It is prepared by Mr. Harrington.

96,265. Which Mr. Harrington?—Mr. Timothy Harrington.

96,266. When was it prepared?—I do not know.

96,267. When was it given to you?—I saw it last night.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,268. For the first time?—For the first time.

96,269. Have you any other document with you now upon which you have been forming this judgment?—Yes, this is a continuation.

96,270. Does this also bear upon it?—Yes, that is a continuation.

96,271. (*The Attorney-General.*) I should like my Lords to look at that. Whose handwriting is that?—I believe Mr. Harrington's.

96,272. You mean Mr. Timothy Harrington?—Yes.

96,273. Those are the only documents you had before you last night?—Then I had an opportunity of discussing the question with Mr. Harrington also.

(*The Attorney-General.*) I should like those to be printed on the note, if your Lordship will permit it.

(*The President.*) Yes.

[They were as follows :—]

#### LAND LEAGUE.

##### D. 1. RELIEF FUND :—

Opened, 20th December 1879. Closed, 18th February 1881.

Lodged, 59,097*l.* 3*s.* 9*d.* Disbursed, 60,983*l.* 14*s.* 1*d.*

##### EXPENSES ACCOUNT :—

Opened, 21st October 1879. Closed, 29th September 1880.

Disbursed, 2,648*l.* 9*s.* 3*d.*

##### D. 4. ACCOUNT No. 1.

Opened, 4th February 1881. Closed, 28th July 1881.

Disbursed, 25,326*l.* 2*s.* 1*d.*

##### ACCOUNT No. 2.

Opened, 4th February 1881. Closed, 28th July 1881.

Disbursed, 8,680*l.* 0*s.* 10*d.*

##### D. 3.

Opened 10th October 1881. Closed, 12th November 1881.

Disbursed, 6,518*l.* 10*s.* 6*d.*

##### D. 2.

Opened, 13th October 1881. Closed, 1st September 1882.

Disbursed, 33,676*l.* 9*s.* 9*d.*

Total amount of payments, exclusive of relief fund and expenses fund, 74,201*l.* 3*s.* 2*d.*

#### GROUP A.

Receipts, 227,318*l.* 3*s.* 4*d.*

Payments, 227,324*l.* 9*s.* 1*d.*, viz. :—

##### ORGANISATION FUND :—

Receipts, 101,174*l.* 6*s.* 4*d.*

Payments, 71,256*l.* 19*s.* 4*d.*

##### RELIEF FUND :—

Receipts, 65,120*l.* 3*s.* 1*d.*

Payments, 68,344*l.* 14*s.* 6*d.*



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

## LADIES' LAND LEAGUE:—

Receipts, 61,023*l.* 13*s.* 11*d.*Payments, 76,171*l.* 7*s.* 9*d.*

## J. E. KENNY:—

Receipts, . . . . .

Payments, 100*l.*

## THOMAS BREEN:—

Receipts, . . . . .

Payments, 11,451*l.* 7*s.* 6*d.*

## Not entered in books:—

Land League expenditure from 16th October 1879 to 4th February 1881. (?)

Ladies' L.L. expenditure from May 1881 to September 1882.  
76,171*l.* 7*s.* 9*d.*

Expenditure for working of U.I.

Mansion House Relief Committee, 10,000*l.*Account of self, &c. Hibernian Bank, 3,873*l.* 5*s.* 10*d.*

Receipts by L.L. and L.L.L. of moneys received from Egan.

96,274. You had an opportunity of discussing this with Mr. Harrington last night?  
—Yes.

96,275. For the first time?—No, I have discussed it frequently with him.

96,276. Had this question of Egan having taken the Land League books away ever been mentioned between you and Mr. Harrington before?—Oh, I think so.

96,277. It had?—Yes.

96,278. How long ago?—I could not tell you.

96,279. But weeks or months ago?—I should think not months. Certainly weeks.

96,280. How did Mr. Harrington come to discuss this with you last night? Did he come to see you?—Well, we are constantly in communication with each other at the House of Commons in a way which is familiar to you.

96,281. Had you made any appointment with him with reference to this particular matter?—No.

96,282. How did he come to bring those papers to you?—I do not know how he came to bring them to me. He showed them to me.

96,283. You had given him no instructions to prepare them?—No.

96,284. You will observe there are very considerable gaps on the books, which are produced, unaccounted for?—There is a gap from the opening of the Land League on the 16th October 1879 to the 4th February 1881, which is clearly due to the fact that when Mr. Egan left for Paris he took the books of the Land League with him.

96,285. I think you will find that you are in error?—I do not think I am.

96,286. Have you yourself examined the books?—Yes, I have examined some of them.

96,287. You have?—Yes.

96,288. Is that paper the result of your own examination?—It coincides with it.

96,289. Is that paper the result of your own examination, or is prepared by Mr. Harrington entirely?—That paper is not the result of my examination, but the result of that coincides with my own opinion which I formed.

96,290. Did you make any note of the result of your own examination?—No, I did not.

96,291. When did you examine the books yourself?—I think I saw them just before they were produced in Court.

96,292. Did you then observe that there was either one or more gaps, moneys unaccounted for?—No.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,293. I thought you said just now that those papers concurred with the result of your own examination?—Well, they concur in this way, that, of course, all the information which I received taken together showed me that there were these gaps.

96,294. When, if you please, did you yourself examine the books and observe that there were any gaps?—Oh, I cannot say. I do not think I did observe that there were any gaps when I personally examined the books. It was only after hearing your questions about the discrepancies between the Dublin accounts that my attention was turned to the question, and I made inquiries, and I ascertained that there were these gaps.

96,295. Now, I must call your attention to a letter which appears on page 3525. Do you remember the letter from Mr. Egan to yourself of the 14th of October 1882, first giving an account of the receipts and then giving round figures with regard to the expenditure?—Yes, I recollect that.

96,296. “Of this sum about 50,000*l.*, I have not the exact figures at this moment, “as the books are in Dublin”?—Well, he would refer to some of the books. Some of the books would have been in Dublin. The books from February 4th, 1881, up to that date would have been in Dublin. He would have had other books, of course. He could not probably have made an accurate —

96,297. Do observe. This is from October 1879 to 14th October 1882:—

“Since I undertook the position in October 1879 there has passed through “my hands in all a sum of 244,820*l.*, made up as follows:—

	£	s.	d.
“Relief Fund - - - - -	59,178	14	3
“Land League Fund to 3rd February 1881 - - - - -	30,825	0	7
“Defence Fund, per Land League - - - - -	6,563	8	5
“Do. per Freeman’s Journal - - - - -	14,514	0	0
“Received since my arrival in Paris, 3rd of Feb- “ruary 1881, 3,280,168 francs at 25·25 - - - - -	129,907	0	0
“Amount coupons on investments, 65,196 francs “at 25·25 - - - - -	2,582	0	0
“Profit realised on sale of 91,000 dollars U.S. “Four per cent. Bonds - - - - -	1,250	0	0

“Of this sum about 50,000*l.* (I have not the exact figures at this moment, “as the books are in Dublin).”

Will you allow me to read that letter?

96,298. I am reading it to you?—I would rather read it myself. (*It was handed.*)

96,299. Tell me what page is that, kindly?—Of course this refers, as I thought it would refer, to the Relief Fund, the books of which were left in Dublin, and which he never took to Paris, and which I never claimed he had taken to Paris.

96,300. Those alone?—And which you have seen, I think.

96,301. That is your answer, is it?—Yes; it adds—

“Of this sum about 50,000*l.* (I have not the exact figures at this moment, “as the books are in Dublin) was distributed in the relief of distress, in 1879 and “1880.”

96,302. Will you read on, please? You have got my copy?

“as per accounts already published.”

96,303. Go on, kindly?

“over 15,000*l.* was spent on the State trials of December 1880 and January “1881.”

96,304. Yes, go on. You see that is a round sum again respecting that?—I think that probably Mr. Egan would not have taken the account of the expenditure on the State trial with him to Paris, because it would have had no possible connexion with the work of the Land League. It would have been entirely unnecessary for him to take that.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,305. Will you read on the next sentence?

“ Nearly 148,000*l.* has been expended through the general Land League and the Ladies’ Land League in support of evicted tenants.”

96,306. I think that is a round sum again, is not it?

(*The President.*) Yes.

(*The Witness.*)

“ providing wooden houses, law costs, sheriff sales, defence against ejectments, various local law proceedings, and upon the general expenses of organisations; and I have now on hand the balance of 31,900*l.* to turn over to whoever shall be duly authorised to take charge of it.”

There is the balance you wanted just now.

96,307. (*The Attorney-General.*) There are three items, 50,000*l.*, 148,000*l.*, and 31,900*l.* balance, all in round figures. Do you suggest that the books had gone with Egan except the Relief Fund book?—I have stated over and over again that in my belief the books for the period commencing 16th October 1879 and ending early in February 1881 went with Mr. Egan to Paris—the books of the Land League.

96,308. You may have stated it over and over again, and I, of course, must apologise to you for pressing you; but it is not until to-day that you have made that statement?—Quite so.

96,309. And I am only anxious to understand exactly the information upon which you formed that conclusion. Had you that letter in your mind when you made the statement that Mr. Egan had taken the books to Paris?—No, I had not indeed.

96,310. (*The President.*) I wish to follow your answer, Mr. Parnell. You said that, looking at this letter, you see that as you expected it related to the Relief Fund only?—Yes, my Lord.

96,311. I want to understand you. You observe that is part of the 244,820*l.* It is put at 59,000*l.* odd. Then it goes on with several other things: “ Land League Fund to 3rd February 1881 ”; “ Defence Fund, per Land League ”; “ Defence Fund, per ‘ Freeman’s Journal ’ ”; “ Received since my arrival in Paris, 3rd of February 1881, 129,907*l.* ” Those do not relate to the Relief Fund?—Certainly not; but my reference to that 50,000*l.* was in answer to the Attorney-General’s suggestion that my statement that Mr. Egan had taken the Land League books with him to Paris could not be true since he said here that the books are in Dublin; these books being clearly the books referring to the 50,000*l.* which was separate and distinct from the Land League Fund, and which books have been given to your Lordship.

96,312. (*The Attorney-General.*) That is your explanation?—Yes, certainly.

96,313. Well, we shall have to put before my Lord what the books really show—I understand you yourself have not examined the books—so as to be able to state with accuracy yourself what they contain?—No, I have not. I saw them just before they were produced and I understood then that they were the books for the whole period.

96,314. Do you adhere to the statement that that reference refers to the Relief Fund books only?—Clearly.

96,315. You think so?—The reference to the 50,000*l.* clearly. It was 50,000*l.* for the relief of distress. It states so in the letter.

96,316. That is your view?—Well, it is the only view that can possibly be taken of it.

96,317. (*The President.*) What do you say?—That the books referred to in the letter as being in Dublin referred to the books accounting for the expenditure of the Relief Fund, which are not the books to which I refer, the Land League books which were taken to Paris.

96,318. (*The Attorney-General.*) I call your attention to one or two other matters in this letter. “ Nearly 148,000*l.* has been expended through the general Land League and the Ladies’ Land League in support of evicted tenants.” Had Mr. Egan got those books with him too?—No, but he must have received information from the people who were keeping those books, in order to enable him to draw up that balance.

96,319. He has given one round sum and said, “ I have not the exact figures at this moment, as the books are in Dublin,” and then he goes on to quote other round sums, 148,000*l.* and 15,000*l.* Is your suggestion that Mr. Egan had got books which



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

would enable him to give precise sums for the general Land League and the Ladies Land League, apart from the relief fund?—No, I think not. I am inclined to think that he had not the books in his own possession at any time over the whole period, and that he drew that balance partly from the books in his possession and partly from information received from Dublin, from the persons in whose charges the other books were.

96,320. This is not a balance; it is 148,000*l*. That is money expended?—I say he drew the balance sheet.

96,321. No, this is not a balance at all?—It is a balance sheet.

96,322. I do not agree, but still I am taking your answer?—He sent me a balance sheet, which was published at the time in the newspapers, and this letter gives some of the items in that balance sheet, and he refers plainly to the balance sheet in that letter.

(*The President.*) “As per accounts already published” would appear to relate to the relief of distress. He does not say that with regard to the other?

(*The Attorney-General.*) No.

(*The Witness.*) At the same time was published the balance sheet which he sent accompanying that letter.

96,323. (*The President.*) It would be useful if we had that balance sheet?—It must be in the newspapers, because I gave it to all the newspapers at the time. They never gave it back to me—the original document. I handed it to one of the reporters at the press table, and he whisked it off, and I never saw it again, but it was published in all the newspapers.

96,324. (*The Attorney-General.*) “I have now on hands the balance of 31,900*l*. to “turn over to whoever shall be duly authorised to take charge of it.” You notice that 31,900*l*.?—Yes.

96,325. Is it your idea that at this time Mr. Egan had got in his possession some original Land League books?—Yes, undoubtedly. He had in his possession the books covering that period.

96,326. That you are sure of?—I am absolutely certain.

96,327. Absolutely certain now?—Yes.

96,328. It has now developed from belief into absolute certainty?—I cannot account for the matter in any other way.

96,329. But do just observe, you had the belief for months. You formed the definite conclusion or opinion that he may have taken some of them away?—I had the belief he had some of the books. I have always had that belief. In fact, originally, when we commenced to look for these books, I thought he had them all, and I was very agreeably surprised to find there were some of them in this country.

96,330. You thought that he had them all and yet you took no step to communicate with Mr. Egan respecting them?—No, I never did.

96,331. Why not?—I was not in communication with Mr. Egan. Mr. Egan chose another channel of communication with regard to the forged letters and I did not communicate with him.

96,332. You never told anybody of this opinion till last night?—I think it is very likely that I mentioned the opinion to the people I consulted about the books, whether they could be in America, and whether they were like to be in Mr. Egan's possession or in whose.

96,333. Just let me understand this. Proceeding to inquire about these books, thinking that you might find out where they were, you never communicated with to Mr. Lewis you thought Mr. Egan had them?—No; well, I should not have regarded Mr. Lewis exactly as an expert in Irish politics.

96,334. What has an expert in Irish politics to do with my question?—It has a great deal to do with your question.

96,335. Then I understand your reason for not asking Mr. Lewis to communicate with Mr. Egan, you believing all the time he had these books, was that Mr. Lewis was not an expert in Irish politics?—I thought it very possible all the time that Mr. Egan did have these books.

96,336. Thought it all the time?—Yes, I thought so. Mr. Egan was always very anxious to keep possession of any books and documents in which he was interested, as was evident by the careful way in which he kept the copies of his letters to Mr. Pigott, and copies of my letters to Mr. Pigott.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,337. Just listen. The only reason you had for not communicating with Mr. Lewis was that he was not an expert in Irish politics?—Quite so. I did not think Mr. Lewis would be able to help particularly about getting the books, if at all.

96,338. Why did you not write yourself?—Write myself?

96,339. Yes?—Oh, I never write to anybody.

96,340. That is your reason, is it?—Well, it is a very good reason.

96,341. Is that your reason?—It is not my reason. I have already told you that I have not been in communication with Mr. Egan with regard to this case from the commencement, and that any communication that has taken place between us upon the matter has been an indirect communication through Mr. Labouchere.

96,342. Whether it is good or bad, do I understand you to say that the reason for not communicating with Mr. Egan yourself was that you never write to anybody?—I do not know that I had any particular reason for not communicating with him, but certainly that would be a reason.

96,343. Why did you not communicate with Mr. Labouchere?—Well, it never occurred to me to enlist Mr. Labouchere in a hunt for the books; but to tell you the truth I do not think he would have helped me in the matter. His view of this Commission has always been that it should have been cut short at the disclosure of the letters, and I really do not think he would have helped me at all with regard to the rest of the case.

96,344. Very well, I take your answers. Now, I wish to know who was responsible in the years 1880 and 1881 for the employment of solicitors to defend prisoners?—I do not know at all. I do not believe anybody was responsible.

96,345. Who, of the members connected with the Land League, either members of Parliament or officials, would have the responsibility of saying this case shall be taken up, and that case shall not?—I could not tell you at all. When I went over to Dublin, after the passage of the Land Act, I found everybody responsible for everything, and nobody responsible for anything in the office.

96,346. That is your answer? Have your yourself since this Commission has begun communicated with any of the solicitors as to the amounts they have received in respect of the defence of prisoners?—No, I have not indeed.

96,347. As to the circumstances under which they were employed?—No, certainly not.

96,348. As to the class of case they took up?—Certainly not. As soon as I found the practice had grown up I did my best to put a stop to it.

96,349. What?—I say as soon as I found the practice of defending prisoners had grown up I did my best to discourage it and to put a stop to it.

96,350. When?—Towards the end of 1881, the year in which the Land Act was passed.

96,351. Towards the end of 1881. What do you mean by towards the end of 1881?—Towards the end of the year 1881.

96,352. What do you mean by towards the end? Do you mean when you were in Kilmainham?—No, not at all; when I reorganised the office.

96,353. Do I understand you to say you put a stop to it in August 1881?—No, I did not put a stop to it. I said I was taking steps to discourage it. I formed the opinion that it ought to be discouraged. I found it was going on to a considerable extent. I formed the opinion that it ought to be discouraged, and I communicated my views to those in authority.

96,354. To whom did you communicate your views, please?—I should think I communicated my views to Mr. Arthur O'Connor.

96,355. Anybody else?—No, I should think not.

96,356. Was any record kept of these views?—I should think not, no.

96,357. You did not put them in writing?—No.

96,358. Was that for any reason of objecting to put them in writing?—Not at all. I very seldom take the trouble to write a letter if I can give a verbal message. I do not think many of my views would ever be communicated about anything if they had to depend upon being written in letters.

96,359. Do I understand you to say that this practice of defending prisoners for all kinds of offences did not prevail for years afterwards with the National League and during the time that you were acting in active concert with the National League?—



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

Not with the National League to the best of my belief, certainly not. I have told you that I defended some prisoners myself, and paid for the defence of some prisoners myself, as remanets from the Ladies' Land League; but it was a practice which I discouraged as soon as I found it was in existence to any extent.

96,360. When in August 1881 you did your best to discourage it, who did you find or did you find that anybody had been taking it up and authorising it?—I found that everything was in a state of disorganisation in the office, and that there was no control, and that grants were made, and expenditure incurred, and liabilities incurred with regard to every conceivable matter without any central supervision or authority whatever, and that any clerk in the office apparently could get a grant for any purpose, so I thought it high time to make an alteration and put the office under proper supervision.

96,361. Have you got there the cheque book as to which I asked you some questions when you were last under examination which was postponed for the present purpose?—What cheque book?

96,362. The cheque book with the counterfoil stumps in it?—This cross-examination was not postponed for the purpose of enabling me to produce a cheque book; it was postponed for the purpose of enabling you to examine the counterfoils.

96,363. I am asking you whether you have the cheque book: that is my question. Have you the counterfoils?—The counterfoils have been handed to you and their Lordships months ago.

96,364. (*The Attorney-General.*) Then will you please hand them to Mr. Parnell?—As to any cheque book belonging to the counterfoils, of course, the counterfoils are the only portion of the cheque book I could have. I told you in my last examination that I never had the cheques.

96,365. I take it from you with reference to the return of Land League cheques you know nothing about them?—No, I do not. I do not know anything about the financial business of the Land League except in a general way, at these periods when I went over to Ireland for some definite purpose.

96,366. Before I take you through some of these I want to ask you this. Who was responsible, if anybody, for selecting who should receive payments?—When?

96,367. At any time, in prison, for instance?—The Ladies' Land League would be responsible then.

96,368. I am speaking of the year 1881. That is the period I am coming to?—Which part of the year 1881?

96,369. I am speaking of the month of August 1882. Who was responsible for deciding who should receive contributions either in the way of sustenance or expense for defence, or anything of that kind?—Oh, the ladies were. Of course, these matters were nominally brought before me, and I wrote the cheques, having previously come to an understanding with them as to the general nature and extent of their liabilities.

96,370. But I am referring to current payments?—Do you mean the payments on those blocks?

96,371. Yes, I do: the current payments in August 1882. Who would be responsible for selecting who were the persons to receive payments, and who were not to receive them?—They would be brought before me by some member of the Ladies' Land League.

96,372. Where was the Ladies' Land League then carrying on this business?—It was practically speaking dissolved at that time, because the payments were all being made by me, and they only retained some of their clerks at the office for the purpose of carrying out the business of providing these payments for the suspects and other liabilities which they had previously incurred.

96,373. I do not understand your two answers?—But so far as I know there were no fresh liabilities incurred after that date.

(*The President.*) I think Mr. Parnell's answer contains the answer to your question, though there is a great deal more in it. He says they retained some clerks at the office.

96,374. (*The Attorney-General.*) At what office?—At the office in Upper O'Connell Street.

96,375. Is that the same office as the Ladies' Land League had?—It was upstairs. I am not sure that they did not take possession of the Land League offices after we were turned out by the Government.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,376. May I take it that the management of the affairs at that time was in the hands of some clerks whom the Ladies' Land League had retained?—Yes, they retained them for the obvious purpose of enabling these necessary payments to be made; they had the names of all these persons who had been in the habit of receiving weekly and fortnightly payments; they had the names of the evicted tenants, and the names of those who were in the habit of getting money entered in their books; and they had also retained some for the defence of prisoners, and the clerks were retained for the purpose of bringing these matters before me.

96,377. My question to you is, who was the person who was responsible for selecting the particular name to receive a payment?—The names would be taken, no particular names were selected to receive the payment for sustentation, for diet while in prison, because all the suspects were equally entitled without any distinction whatever.

96,378. That is your recollection?—All the suspects, certainly, and the fund was sanctioned by the Government; the collection of the fund was permitted by the Government of the day for that purpose, at a time when Mr. Forster was exercising the most arbitrary powers for the suppression of public meetings.

96,379. (*The President.*) We have nothing to do with that?—This has to do with it, my Lord.

(*The Attorney-General.*) I have felt that Mr. Parnell not being represented by Counsel that I ought not to interpose, otherwise I should venture to suggest that many of his answers are not relevant to the questions.

(*Mr. Parnell.*) You may suggest what you please, but this answer is entirely relevant, and I submit to their Lordships that I am entitled to give it.

(*The President.*) I am of opinion that it is not material, so far as your view of Mr. Forster's conduct goes.

(*Mr. Parnell.*) My opinion of Mr. Forster's conduct may not be material, but this fund was sanctioned by the Government of the day, of which Mr. Forster was the head, in Ireland, and these meetings for the collection of funds were permitted throughout Ireland when no other meetings were permitted. The cheques were sent by the Ladies' Land League to the governors of various prisons throughout the country, and they were distributed to the suspects by the warders of those prisons.

96,380. (*The Attorney-General.*) To come back to the point; I desire to know whether you can tell me the name of the person who prepared the list of the persons who were to receive payment?—I cannot tell you the names, certainly not, some clerks belonging to the Ladies' Land League.

96,381. But you cannot tell me who?—I have not the slightest notion.

96,382. You told me there were two or three left, were they ladies or men?—They were ladies.

96,383. You cannot recollect who the ladies were who were working there in August 1882?—I cannot tell you who the clerks were who brought these payments before me at all.

96,384. Kindly look at your counterfoil cheque book, and be good enough to tell me whether it is your own handwriting?—No, very little of it.

96,385. In whose handwriting is it?—I cannot tell you at all.

96,386. But look?—Well, I do not know. If I were to look for 24 hours I could not identify a handwriting which I have no recollection of.

96,387. Would you just glance your eye through the counterfoils in this book?—Certainly.

96,388. And tell me whether you recognise any of the handwriting on the counterfoils of the person who made out those cheques?—I recognise my own handwriting and Mr. Henry Campbell's.

96,389. Will you fold those in half which are yours and Mr. Henry Campbell's?—They are mixed up.

96,390. Just fold them kindly?—I see the others are in different handwritings, ladies some, and there are some others, whose they are I have not the slightest idea.

96,391. Are any of them in Miss Parnell's handwriting?—I think not.

96,392. Or Miss Stritch's?—I think not.

96,393. Do you know Miss Stritch's handwriting?—I know my sister's; I do not know Miss Stritch's.

96,394. Will you simply fold them as you come to them, in one half?—It will take some time.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,395. It will not take very long, fold them in half, yours and Mr. Campbell's?—I should think you ought to know my own handwriting by this time pretty well, and Mr. Campbell's too; there are very few in my handwriting, not more than half-a-dozen.

96,396. Are the others Mr. Campbell's?—No, there are one or two in Mr. Campbell's.

96,397. Will you kindly fold down those two?—I am. I am trying to get to them. The great majority are in the handwriting of the ladies. I cannot find any in my sister's handwriting so far. These seem to be all that I can find of my own or Mr. Campbell's. There is one in the beginning.

96,398. I rather gather from what you have said, going through them, that you have not in your eye recognised any of the ladies' handwriting?—No.

96,399. Is it to your knowledge that there was published every month, under the statute, in the "Dublin Gazette," a list of the persons who were imprisoned under the Act as suspects with the cause of their imprisonment?—I suppose so at the date of the publication; I cannot say that I ever saw it, but as a matter of general knowledge I take it that that would be so.

96,400. What I want to put to you is this: I want to tell you, as far as I have got information, so that you will have full opportunity of dealing with it in any way you can or wish to; as well as we can gather from this book produced only certain of the suspects received money, not all?—No, that is not so.

96,401. I must ask you, have you any account or statement, or counterfoil cheque book, or anything which will enable us to see whether you are correct in saying that all the suspects in this particular month received payments?—I have said I have no account except those contained in the counterfoils; but I think it is possible, now you remind me of it, that some of the suspects may have had their grant sent to their families instead of to themselves.

96,402. That is not the point that I was upon. What I desire to call attention to is that there are a series of cheques made out as of the 31st of August 1882 for a number of the suspects; you had better look at them, if you please; 31st August 1882 you will find a series of names, and I call your attention to the fact that they are consecutive cheques, written, and apparently the counterfoils are in the same handwriting, and I presume the cheques were submitted to you for signature?—Yes.

96,403. That was the purpose, was it not?—Certainly.

96,404. Your answer to me a few moments ago was that the cheques might have been sent to the families, and not sent direct to the prisoners?—Yes, in some cases.

96,405. Taking that as the 31st of August 1882, and calling your attention to the fact that they are consecutive cheques and occur in one cheque book, do you suggest that there are other cheque books in which the payments to other people who received money on that day would be found?—I do not suggest it all.

96,406. How do you account for the picking out of certain of the suspects to receive allowances on the 31st of August 1882?—From a particular prison, do you mean?

96,407. Kilmainham, for instance?—That certain suspects on the 31st of August 1882 received their allowance, and certain others in Kilmainham did not? It may be accounted for in this way that these suspects were arrested at different dates, and their fare allowance would date from the date of their arrest, and would not become due at the same moment.

96,408. I am putting persons who had been in from two to three months, which is during the months of June, July, and August. I tell you, I will examine it for myself, and examine it for my Lords afterwards, but I call your attention to the very first, William Kennedy, in Kilmainham. On the first cheque I think you will find it? Edward Barrett is the first.

96,409. But the first one in the ladies' handwriting?—The 31st of August, "Edward Barrett, released suspect, weekly allowance, 1l."

96,410. He was not in Kilmainham. Look at Kilmainham, please?—What is the number of the cheque, please? The first in Kilmainham appears to be "Peter Broderick, ex-suspect, Lougrea, allowance due in Kilmainham, 1l. 5s. 8d."

96,411. 27,532. Just look at that cheque?—Yes.

96,412. That is 2l., is it not?—Yes, for allowance to W. Kennedy, "sent to W. Kennedy, Kilmainham, for allowance due 27th August, for a fortnight, 2l."



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,413. Let me call your attention to the crime in respect of which, according to the published return, that is to say, the return published in June, William Kennedy was suspected of; kindly listen to me, from the return, he was:—

“Reasonably suspected of having since the 30th of September 1880 been  
 “guilty as principal of a crime punishable by law, that is to say, shooting at with  
 “intent to do grievous bodily harm, committed in a proscribed district, and being  
 “an act of violence, and tending to interfere with the maintenance of law and  
 “order.”

You see he is charged with being the principal to an act of shooting?—Yes, but if he was charged with being a principal in murder he would have been perfectly entitled to receive his allowance from the Sustentation Fund, and the cheque would have been handed to him by the governor of the prison in the usual way.

96,414. It is not a question whether the cheque would be handed by the governor, or not; I am dealing with the question of the selections made?—There were no selections made at all.

96,415. What I tell you is, that in examining this cheque book a certain number of the persons in Kilmainham are picked out for having their allowance, and some are left out?—I do not find that by examining this book at all.

96,416. You do not expect to find it there, because that only gives you those in respect of which the allowances were made. John Kavanagh was in Kilmainham?—Yes, there were a large number of prisoners there.

96,417. I read, John Kavanagh, the same thing, shooting at and wounding with intent to kill, as accessory; receives no allowance?—What is the date?

96,418. The date is June and July 1882?—You are reading from the Government returns?

96,419. I am reading from the three Government returns?—Of course, I cannot tell you at all. I had no personal knowledge of these men, or what they were in for, and if I had it made no difference, because I was bound under the terms under which the fund was collected to distribute it equally to everybody who was arrested in Ireland without trial.

96,420. I will take your answer, but, of course, I must put this to you in order to get information. I call your attention to a considerable number of those charged with the same offence; that is to say, murder, or being accessory to murder; that they do not receive the allowance, whereas a number, to which I am about to call your attention directly, did. What I want to ask you to explain to my Lords is this, who was the person responsible for the selection; whether the persons charged with murder should get the allowances or not?—There was no such responsibility. Everybody arrested under Mr. Forster's Act equally were allowed the allowance, no matter what Mr. Forster reasonably suspected him of. It is possible that some of the prisoners may have said, “Well, we are not Land Leaguers and we will not take the Land League money.” I believe that did happen with regard to some of the Phoenix Park men.

96,421. I really must ask you to answer the question. Is it not the fact that, to the best of your belief, the money was only paid to Land Leaguers who were arrested on suspicion?—No, to the best of my belief there was no distinction whatever made. Anybody arrested under the Habeas Corpus Suspicion Act could receive money out of that fund. At first it was 15s. a week; it was afterwards raised to 1l. a week. I received my 15s. a week in common with everybody else in Kilmainham, and when it was raised to 1l., I received my pound in common with everybody else in Kilmainham.

96,422. Is that your view? Do you think that a criminal arrested upon a charge of murder, offered the sustentation money, may have said, “I am not a Land Leaguer, and therefore I will not take it”?—I have heard, and seen it in the newspapers, that some of the Phoenix Park men did so; they were not Land Leaguers, and therefore they would not take this money.

96,423. Really, I should wish to know what paper you saw that in?—I think I saw it in the “Freeman's Journal” years and years ago.

96,424. Can you give me a reference to it?—Indeed I could not.

96,425. That would indicate a belief in the mind of some persons that the fund was connected with the Land League?—I should suppose so.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,426. There is no reason why a man should not have the sustentation if it was a general allowance for the benefit of everyone suspected?—I have already told you that there was no distinction made.

96,427. I hope these clerks and ladies are not all dead; some of them are alive, I trust?—I should hope they are all alive.

96,428. Nearly all of them?—I hope so.

96,429. There is somebody who could give us the information of how these selections were made?—I do not believe there was any selection made. I believe the selection is entirely in your imagination. I never heard of any selection. I never heard of anyone speaking of such a thing.

96,430. I want to know how has this reduction of numbers occurred; as far as we can judge from the table there has been a very considerable number of those who were in Kilmainham on some sort of charges, receiving the allowance?—Give me the names, and I will see if I can supply any information.

96,431. I need not trouble you to take them down; it will appear upon the note. I am dealing with persons who were there at the same time that these cheques were given. William Kennedy did receive it; John Kavanagh did not.

96,432. What was John Kavanagh in for?—John Kavanagh was in for being—

“Reasonably suspected of having, since the 30th of October 1880, been  
“guilty as an accessory of a crime punishable by law, that is to say, shooting at  
“and wounding with intent to murder, committed in a proscribed district, and  
“being an act of violence, and tending to interfere with the maintenance of law  
“and order.”

As far as we can judge from this cheque book, the ladies, whenever they filled it up, picked out Kennedy's name, and left out John Kavanagh?—They paid Kennedy, and did not give anything to Kavanagh?

96,433. Exactly?—I do not know whether Kavanagh's name appears in some other portion of the cheque book.

96,434. You must assume that it did not?—Then I should imagine that the explanation of the case of Kavanagh is that he asked that some lump grant should be made to his family, and that it was made; instead of receiving this 1*l.* a week he went on prison fare, which was pretty good, very good.

96,435. They were not treated as convicts, of course?—No; we were very well treated indeed, very well treated. He went on prison fare; I know that numbers of these men did, and got a lump grant for their families instead, and remained on prison fare.

96,436. Where would those grants appear?—They were entitled under the terms of the fund to have their 1*l.* a week, and then it was permitted to them, as they did not wish to eat the money, to send it home to their families.

96,437. Where would those grants appear?—They would appear in the books of the Ladies' Land League.

96,438. Are you aware among those cheques there are cases of grants to the families specially entered?—Well, I know that was often done where there were exceptional circumstances of hardship, where the family were left without anybody around their place. During my imprisonment to those poor people the ladies very frequently, and I think very properly, made special grants to those families. They are exceptional.

96,439. Andrew MacOwen?—But that is entirely different to the ordinary practice, which, as I have already explained to you, also existed.

96,440. I put to you that, running through this book there are cases we see of some 25 to 30 in which the allowances were made, and in Kilmainham there are some 15 or 20 made under exactly the same circumstances, so far as we can judge from the cheque book which has been produced, in which no allowance has been made at all?—There were a considerable number of men in Kilmainham and in the other prisons who did not draw their weekly allowance for sustentation.

96,441. On the ground that they were not Land Leaguers?—Not at all; but on the ground that they wished the grants to be made to their families; they wished to have their families get the benefit of this 1*l.* a week.

96,442. The explanation you make is that it may have been either because they were desirous the grant should go to their families, or for the other reason you have stated?



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

—Yes. As I have told you, I should not think that that would be general; but some of these men who were reasonably suspected of murder declined to receive any money from the Ladies' Land League at all, on the ground that they were not Land Leaguers, and had no sympathy with the movement.

96,443. Now, Mr. Parnell, do I understand you did not yourself ever examine the published records as to what they were in for, or the cause they were in for in this year 1882?—Not after my arrest; I examined them earlier in 1881 after the thing first started for the purpose of a debate in the House of Commons.

96,444. I want to call your attention to this question; of course you have said, and I understand with perfect truth, that these Phoenix Park murders made a very deep impression upon you?—Yes.

96,445. And you had in your manifesto invited the Irish people to bring the people to justice or do their best to bring the people to justice; you remember that manifesto very well?—Yes.

96,446. Did you not know what was going on in the months of July and August 1882 with reference to the persons that were being suspected?—That had been suspected of what?

96,447. Of the Phoenix Park murder?—No, I did not; I did not know that any persons were suspected at the time of the Phoenix Park murder.

96,448. I call your attention to as early as July. James Mullett receives 2*l.* You remember I found it, and you made an observation upon it at the time—James Mullett receives 2*l.* on the 31st August 1882?—Yes.

96,449. In the return of July, that is a month before, and in the return on the 4th August, so that for two months there is this statement about James Mullett, “Reasonably suspected of having since the 30th September 1880 being guilty as accessory of a crime punishable by law, that is to say, murder, committed in a proscribed district, being an act of violence tending to interfere with the maintenance of law and order.” Was there any other murder, so far as you are aware, of which James Mullett could have been suspected of except the Phoenix Park murder?—My recollection is that James Mullett was arrested four or five months before the Phoenix Park murder.

96,450. Forgive me, he had been out up to June 1882; was he not re-arrested in June or arrested in June 1882?—I cannot tell you; my impression was that James Mullett was arrested a good many months, four or five months probably, before the Phoenix Park murder, and I should think in reference to another murder that took place in Dublin at that time. But I cannot tell you whether he was liberated or not afterwards; I think he was.

96,451. Of course he was at large in May, you are aware of that?—Who?

96,452. Mullett?—In May, no, he was not, as far as I know.

96,453. Do you suggest that James Mullett was not party to the Phoenix Park murder?—As far as I know he was not.

96,454. I do not quite understand. James Mullett was one of the persons that was indicted?—No, the history of Mullett in connexion with the Phoenix Park murder appears to be this, that it was sworn by Carey that he originally joined the conspiracy; and that he was shortly afterwards arrested and kept in prison, and was in prison while the murders took place, that was his only connexion with the Phoenix Park murders, a sort of constructive connexion that he had originally joined the conspiracy, but had no share in what subsequently followed.

96,455. Edward McCaffery, he was one, was he not?—I cannot say; I do not know anything about it.

96,456. McCaffery was convicted and got 10 years, did he not, he pleaded guilty?—I think he was one of those who pleaded guilty.

96,457. We have had his name mentioned before; he was one of the persons; I am sorry my memory misled me. I am told James Mullett pleaded guilty also?—Pleaded guilty to conspiracy.

96,458. Conspiracy to murder, was it not?—His plea was, as I recollect, that he pleaded guilty to conspiracy, as a matter of fact.

96,459. You are aware that there was a charge of conspiracy to murder?—Yes.

96,460. And there was no other conspiracy at that time to murder?—That is my recollection.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,461. "Edward McCaffery reasonably suspected"—this is the return of the 2nd August, published on the 4th August 1882, "reasonably suspected of having since the 30th September 1882 been guilty as accessory of a crime punishable by law, that is to say, murder." Do you suggest any other crime that McCaffery could have been suspected of, except in connexion with the Phoenix Park murders?—I was not aware that he had any connexion with them at all—with the Phoenix Park murder—I had not the slightest suspicion of it at the time; and I should think it is most unlikely, in fact, it is absolutely certain that I knew nothing whatever of any of the offences which any of these men were charged with. It would not be part of my duty to inquire as to any of the offences they were charged with. They were not charged on suspicion of having committed any particular murder at the time, because they were arrested under the general terms of the Coercion Act which rendered it necessary to specify what they were charged with; but, as far as knowing that McCaffery, or anybody in the list were arrested on suspicion of any particular murder, or any murder in general, I had not the slightest knowledge; but if so, it would not have made any difference.

96,462. You are explaining. I have taken your statement, or I should have questioned it—that you, yourself, did nothing more than sign the cheques without knowing whom they were for?—Certainly, I had no knowledge whatever of the personalty of these people, or what they were suspected of.

96,463. Will you tell me who would be responsible for taking out Edward McCaffery's name?—Edward McCaffery's name was not taken out.

96,464. That you say?—I know it; I know what the practice of the office was perfectly well; that all the suspects who were willing to have 1*l.* a week got it.

96,465. Placing it there, who would be responsible for that?—Well, Mr. Forster would be responsible for arresting him, and when Mr. Forster arrested the man, practically speaking, he placed his name upon the list for relief, and he became entitled to it.

96,466. I gather you will give the same answer about Daniel Curley?—Certainly, about all these.

96,467. And about James Carey. I must ask you, can you suggest any crime for which Daniel Curley would have been suspected in the month of July 1882 other than the Phoenix Park murder?—Well, by the light of subsequent events, I believe that they were suspected of an entirely different murder; they were not arrested on suspicion for the Phoenix Park murder at all; but if you ask me whether I knew when I signed that cheque that James Carey was a person who was suspected of murder or of the Phoenix Park murder, I tell you I did not.

(*The President.*) Your name was not Carey?

96,468. (*The Attorney-General.*) Curley was the name I mentioned?—James Carey was also mentioned, but if I did know, it would not have made the slightest difference. If I had known Lord Spencer reasonably suspected these men of having been concerned in the Phoenix Park murder, it would not have made the slightest difference; I should have been bound to sign the cheques. The mere fact of their having been reasonably suspected is not a reason for anybody holding that they were guilty.

96,469. You have said so more than once; I think it my duty to ask you with reference to this practice, whether any, and, if so, what inquiry was made as to the circumstances under which the sustentation arose?—I am quite sure no inquiry whatever was made; it would have been entirely unnecessary; the Government permitted the fund, and we were justified in administering it without objection.

96,470. The Government could not object to it?—They could indeed object; they could object, and did object.

96,471. Do you say an untried prisoner is not entitled to have sustenance sent in according to prison rules?—According to these rules he is; but the Government could have stopped the collection of the fund; in fact, Mr. Gray was apprehensive at the time that the fund would have been stopped, and he communicated his apprehension to me.

96,472. When did you last see the person Moloney—W. F. Moloney?—I last saw him the time I have already told you when I was last in the witness box.

96,473. Not seen him since?—No.

96,474. Not seen him since you were in the witness box; that is what I meant to put?—No.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,475. Did you ascertain from Mr. Lewis whether he had subpoenaed him?—Mr. Lewis, I believe, informed me since he had subpoenaed him that he had. I think Mr. Lewis then ascertained where he lived, and saw him. I think you were good enough to give us the address yourself during my cross-examination, and I asked Mr. Lewis to see him, and ask him whether he had any of the books, or could tell us anything about them; and Mr. Lewis ascertained that he had these books, and I then told him to subpoena him and produce them.

96,476. And you ascertained he had subpoenaed him?—I believe so, so as to make quite sure that we should get the books.

96,477. I should like to ask you, Mr. Parnell, one other question on a different matter. You understand I am not asking about any payment made to any particular members, you understand that; I desire to ask no question of the amounts paid to any particular members of parliament, but what I wish to ask you is this; was there ever an account of the parliamentary fund?—Certainly there was.

96,478. Do you know when that was opened?—I cannot tell you the exact date.

96,479. About?—I cannot tell you, I should think about the time when the party would have been elected.

96,480. I beg your pardon?—I should think about the time when the new party, the party of 1886, were elected.

96,481. There was no parliamentary fund before that?—I cannot speak, certainly I have no particular knowledge there was.

96,482. You do not quite follow me; I am not asking, as I think you will understand, about how much any particular member received; but I want to ask you, or get from somebody the time of its commencement?—I could not tell you.

96,483. Of any fund; was it not as early as 1880 or 1881?—Oh, no certainly not.

96,484. How early?—I should think about 1885 or 1886.

96,485. Not before 1885?—No, I should think not.

96,486. No payment made before 1885?—To Members of Parliament possibly; there was no parliamentary fund.

96,487. I do not mind you adopting any particular form of expression with regard to that; what I want to know is when was there an account kept—when first—from which payment to members was made?—There would have been no such account prior to the opening of the parliamentary fund account as far as I know.

96,488. When did members first begin to be paid as a class?—The end of 1885, after the general election.

96,489. Not before that?—No.

96,490. No moneys paid to Members of Parliament?—I do not say no moneys paid to Members of Parliament, but I say as a class, answering your question. You asked me when did members first begin to be paid as a class, and I answered you.

96,491. When were payments first made to Members of Parliament?—First made to Members of Parliament?

96,492. I am speaking of Irish Members of Parliament?—I should think there were very small casual payments made from the commencement, from 1880. Mr. Egan, perhaps, would have made some very small payments, but they were very small, because the Land League had deliberately adopted the policy of starving us all out as well as they could.

96,493. In what account would those payments appear—I do not want it for the particular men?—I cannot tell you; any payments that were made by the Land League would appear in the Land League books if any such payments were made; but I do not know of my own knowledge of any such payments having been made.

96,494. Do you know what head they would appear under?—I would suppose under the names of the people they were made to; but I am assuming that such payments were ordered. I should think they would be in the nature of travelling expenses if there were any.

96,495. Do you know when moneys first came from America for the purpose of making payments to members of Parliament?—I could not tell you; as regards casual remittances —

96,496. I am speaking of from America?—But as regards remittances to any extent, the first time there were remittances to any extent sent from America for payment to Members of Parliament was when we assisted Lord Salisbury's Government to throw out Mr. Gladstone; that gave the first stimulus to the parliamentary fund.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,497. Were there not payments made to Members of Parliament—payments from America to Members of Parliament—long before that time, I speak of the years 1882 and 1883, to Mr. Egan?—Payments made to Mr. Egan?

96,498. Yes, for the purpose of paying the Members of Parliament?—Yes, it is very probable, for their expenses.

96,499. Whether expenses or not were there not payments made?—There was no regular system of paying members until the end of 1885.

96,500. What account would those remittances appear in?—I do not know whether there were any remittances,

96,501. You said it was quite possible there may have been; if there were do you know what account they would appear in?—I cannot tell you.

Examined by Mr. TIMOTHY HARRINGTON.

96,502. I would like to ask you one question as to the selection of certain suspects. Are you aware, Mr. Parnell, that a caterer had been appointed and paid regularly for the sustenance of some of the suspects at some gaols?—I recollect that now. That would have been another way of accounting for the fact that some of the suspects names were not in that.

96,503. Was it open for the suspect to have an allowance himself, or for the payments to be made to the caterer for supporting him?—I believe so.

96,504. Are you aware of payments so made to the caterers for these suspects who did not take it?—I recollect it now. It is impossible to recollect everything for eight or nine years. I recollect now that only a portion of the suspects did receive this allowance, the rest of them were catered for by the caterers; and the caterers paid directly for catering; and that it is very possible that the suspects who received the cheques were not catered for at all by the caterers, but made their own arrangements or else sent their cheques to their families.

96,505. (*The President.*) Would not the cheques have the particulars also?—Yes, they appear so.

96,506. Can they be distinguished in any way?—Yes, they are specified cheques to caterers of such and such a prison, and sending up the account. Of course (this was only the last month the Coercion Act passed, and payments were not so numerous as in previous months.

96,507. (*Mr. T. Harrington.*) Perhaps you could tell us the name of the caterer who up to this time catered?—Yes, some of these.

96,508. Perhaps I may suggest the name—Mrs. Barry?—Yes, she was the Kilmainham caterer; then there were caterers for the other prisons who were paid also.

96,509. (*The President.*) There are two questions I wish to put to you. You have said you thought for some time past from the beginning that Mr. Egan might have taken to Paris some of the books of the Land League?—Yes.

96,510. Can you specify what books you thought might have been taken by him?—I should think all the books of the Land League including cash books up to date.

96,511. When you speak of the books of the Land League, do you also include the documents of the Land League, as for instance?—No, my Lord; I should think not; I should think he would only have taken the books and not the documents.

96,512. Capitulations to the central body to make the payments?—He would not have taken these, he would have taken what he required for his information, in case it was necessary to carry on the work of the Land League from Paris.

96,513. Then with regard to these documents, have you any other information to the Commission as to what has become of these documents?—The papers.

96,514. Yes, other than books?—I have heard, my Lord, that after Mr. Malony's bankruptcy that he left the country; he had to leave the country, and that he directed that all the papers in his house should be destroyed; he had not time to make any selection, and that the papers were destroyed.

96,515. Then that seems fully to answer about it?—That he had in his possession a number of the letters and documents of the Land League and that they were destroyed by his orders when he left the country.

96,516. Now another question. I understand you to say that Messrs. Munro, at Paris, held funds of which you and others were trustees?—Quite so. They held bonds—not cash, but bonds.



23 July 1889.]

CHARLES STEWART PARNELL.

[Continued.]

96,517. I use a general expression—funds. Those were funds applicable to Land League purposes?—Yes, applicable to any purpose that I decided upon, or that Mr. Egan decided upon; that would be applicable, of course, to Land League purposes. For instance, we used some of those funds for the purchase of “United Ireland.”

96,518. I only wish to be clear. Messrs. Munro and Company were not holding private funds of yours?—No.

96,519. Then have you any objection to give an intimation to Messrs. Munro and Company to let us see the accounts relating to these funds?—Do you refer to the accounts in my own name, my Lord?

96,520. (*The President.*) No, no; to these funds I was endeavouring to particularise?—I could not give any direction. I could not give any order on Messrs. Munro to give your Lordship access to accounts there in the names of anybody else.

96,521. (*The President.*) I am now dealing with those which I have endeavoured to specify as being Land League funds. Never mind what other people will do; will you give that authority to Messrs. Munro?—No; I must decline to give any authority which would disclose the nature and extent of our resources at present. It is a matter of considerable importance for us to keep it secret; because political movements in the future may depend upon it.

96,522. I have nothing whatever to do with your motives; those are, of course, for yourself to consider, but I understand you to decline?—I decline to give any information that could disclose the nature and extent of our resources in Paris. I do not desire that that information should be given to either friend or foe.

(*The President.*) Very well, I have no other question. I understand from Mr. Lewis, the solicitor, who is yet the solicitor on this inquiry, that he has no other witnesses he proposes to place in the witness box.

(*Mr. Lewis.*) No, my Lord, perhaps I may be allowed to explain I attended your Lordships because Mr. Harris, Dr. Tanner, and Mr. O’Kelly were going to be examined. I thought it right to be in Court and hand up any papers or documents or take any direction from your Lordship.

(*The President.*) Quite so, I was only addressing you because you fortunately remain solicitor.

(*Mr. Lewis.*) I am still the solicitor.

(*The President.*) And you say there are no other witnesses?

(*Mr. Lewis.*) No other, my Lord.

(*The Attorney-General.*) I shall have some question to ask the National Bank clerks. I do not know whether it is convenient that should be taken now. I should perhaps be allowed—

(*The President.*) Sir Henry James, I am informed Mr. Loudon, who has been under examination, expresses a wish to put in some document. I do not remember what the document was.

(*Sir H. James.*) It was a letter Mr. Loudon said in his evidence that he had written, or that had been written in respect of the Archbishop’s letter commenting upon the meeting about to be held.

(*The President.*) Yes, perhaps Mr. Loudon will hand it in.

Mr. LOUDON re-called.

(*Mr. Loudon.*) In my evidence, my Lord, I stated that at the time the Archbishop wrote this letter he was in a state of bad health. I also stated that it was currently reported the letter was the production of his nephew who was then travelling with him. In reply to that letter, I do not know whether I am permitted now to read it, I wrote the following, which is in the same paper.

96,523. (*The President.*) I think it arose in this way: you were challenged whether it was the first time you had made that statement?—Yes.

96,524. I think you referred to this as showing you had?—Yes, that was it. Well, I would wish—it was a very short letter—to read the chairman’s reply, because this letter of the Archbishop was a very serious matter, charging that the meeting was got up by moonlighters and petroleum parties, and all that sort of thing; and I will ask permission to read now the chairman’s letter, which appears in the same paper with that of the Archbishop. It is addressed to “the Editor of the ‘Freeman.’” It



23 July 1889.]

MR. LOUDEN.

[Continued.]

appeared in the "Freeman" the week before, but this is the "Connaught Telegraph" I am reading from:—

"SIR,

"Connaught, 14 July 1879.

"I READ with astonishment and deep regret the letter of his Grace the illustrious Archbishop of the West, condemnatory of the Westport tenant defence meeting of to-morrow. Having been asked to preside, as I will (D.V.), I deem it my duty to repudiate having any connexion whatsoever with such parties or societies as his Grace's letter refers to, neither would I attend had I for a moment considered the meeting had the slightest tendency to advocate irreligion or revolutionary ideas. The object of the meeting, as the result will prove, is purely and simply demanding a reduction in the rents in proportion to the depreciation in the value of agricultural produce, &c. It is to be regretted that his Grace should be led away by the doctrine of those who wish to caricature the meeting because they were not at the head and tail of it."

That means the clergy. Then he goes on:—

"I may respectfully ask what have those from whom his Grace has gleaned his information done more than give a 'flash in the pan' in the shape of a resolution recommending the landlords to reduce the rents, and there end their advocacy on behalf of the starving, struggling tenantry of the West? Have they gone to the rent office to borrow time, to the bank to negotiate a loan, or go security for a bag of meal for a single widow or starving orphan family in the parish? I fully concur with his Grace to put down midnight meetings or irreligious societies, but such do not exist to my knowledge, which is more extensive of Mayo than that of those who gave such information to his Grace. It is deplorable to see the priests and people disunited; but, to use a phrase expressed on more than one occasion by his Grace, 'It will not be the fault of the faithful people.'

"Your obedient servant,

"JAMES DALY."

He was the chairman of the meeting. Now what I wrote was this. I thought it appeared in the shape of a letter, but it appears in the shape of a leading article of the 12th of July. The article was written by me, and it was a communication upon the subject of his Grace's letter charging the nephew with being the author of it.

(The President.) That is what we wanted, not the other.

(The Witness.) I asked your Lordship's permission to read the letter. It was the letter of the chairman of the meeting. Shall I read the whole extract?

(The President.) You must use your own judgment. We do not want the whole of it if it is not necessary.

(The Attorney-General.) What is the date?

(The Witness.) July 12th, 1879 [reading]:—

"We have receiving a rambling document from the 'editor and proprietor' of the 'Tuam News' in which he has ventured to exculpate himself, his newspaper, and the gentleman who exploits both. He has disappointed our hopes. We expected from him some little apology for his own denunciation of the tenant's cause—a denunciation with which he has irreverently connected all that remains of the great Archbishop of Tuam."

It appeared in the time of the Archbishop.

"Apology there is none, nor has his barefaced and shameless denial of matter of fact, apparent upon the face of his articles, even extended the crime of which he is guilty. Why has he not answered, or attempted to answer, the questions upon which our correspondents have asked to be enlightened? Why has he not informed us as to the cause of the shocking attacks which were made in the columns of his paper upon the Bishop of Galway? What about the application for a Celtic Professorship in a Scotch Protestant University? Upon these matters the editor and proprietor is silent. There is one question, and only one, to which he has replied. He has been



23 July 1889.]

MR. LOUDEN.

[Continued.]

“ called upon to explain the political honesty which enabled him to furnish  
 “ Major Nolan with a bill for over 1,000*l.* in connexion with the Galway election,  
 “ a bill which included items of 10*l.* each for leading articles recommending the  
 “ Major to the constituency. And what is his answer? That ‘each editor and  
 “ proprietor has to look to the interests of his paper!!!’ This reply has at least  
 “ the merit of candour, and no doubt Father Bourke would supply ‘reasons’ to  
 “ uphold the morality of it. The ‘editor and proprietor’ of the ‘Tuam News,’ in  
 “ trying to evade the charges which have been made against the company to which  
 “ he is supposed to belong, has raised a new issue. He has asked why the  
 “ priests have not appeared upon the platform to plead for the occupier of the  
 “ soil. We answer him, The priests of the diocese are no longer free.”

This attack refers, my Lord, to the action of the nephew.

“ Their rights of citizenship have been taken from them. They are disfran-  
 “ chised. No doubt they sympathise as deeply as ever with the tenant; but a  
 “ single individual, with what authority we know not, claims the right to put  
 “ them to silence. The Rev. Thomas McHale, D.D., is a stranger to this diocese.  
 “ Having passed the most of his life abroad, he has lately turned up as Vicar-  
 “ General of Tuam. A reactionary in principle, he has no respect for individual  
 “ liberty, and he claims the right to direct not only the religious but the political  
 “ opinions of those over whom he asserts jurisdiction. It is not long since he  
 “ called an esteemed clergyman to account for having attended a political meeting,  
 “ and another rev. gentleman has been taken to task for having written a letter  
 “ on the land question!! Until quite recently this state of things was unknown in  
 “ the diocese of Tuam. The Archbishop never attempted to coerce his priests on  
 “ matters unconnected with religion.”

That has reference to some priests whom the Archbishop prevented attending a meeting, who had promised to attend and go on to the platform.

“ But unfortunately his Grace, owing to the natural decay of years, is no  
 “ longer able to perform the functions of his high and sacred position. These  
 “ functions, it would appear, now devolve on his nephew, the Vicar-General.  
 “ Hence a state of things which many of the clergy consider unbearable, and the  
 “ laity openly and emphatically condemn. If the editor of the ‘Tuam News,’ or  
 “ his interesting patron, would only use their legitimate influence with Dr.  
 “ McHale, junior, to restrain him from writing coercive letters.—

That is the letter referred to—

“ on political matters to clergymen of this diocese, there would be no further  
 “ occasion to comment upon the absence of the priests from the side of the  
 “ tillers of the soil. There is one matter more upon which we wish to make a  
 “ remark. We have stated that ‘immoral combinations in Mayo’ *do not exist*.  
 “ The editor of the ‘Tuam News’ declares accordingly that we have charged  
 “ the Archbishop with having ‘stated an untruth.’ Does the editor, then, say that  
 “ immoral combinations do exist? Does he agree with his Grace and with Lord  
 “ Oranmore that ‘Mayo is honeycombed with secret societies?’ If so, we ask  
 “ him for his proofs. Let him prove his case, or make reparation to the high-  
 “ souled people whom he has slandered. Of course, he cannot fail to grant our  
 “ request. To refuse would be impossible to one who is constituted, we hope by  
 “ ‘authority,’ the defender of the ‘welfare of the Church’ as well as that of  
 “ society.”

(The President.) There is one passage that is important that you have read.

(Mr. Sexton.) I wish permission to ask Mr. Louden a question concerning the books showing the accounts of the Land League down to the month of February 1881.

(The President.) Yes.

Examined by Mr. SEXTON.

96,525. As a member of the executive of the League, did you go to Paris in the month of February 1881?—Was that the first meeting of the executive in Paris after the Coercion Act?



23 July 1889.]

MR. LOUDEN.

[Continued.]

96,526. Yes?—Yes, I went there.

96,527. Can you offer any evidence as to the disposal of the books showing the accounts of the Land League down to that date?—Do you mean the office books?

96,528. The books showing the accounts?—Of the Land League?

96,529. Yes, cash books?—Yes, when Egan went over he brought with him some books he himself used, and Mr. Tom Brennan, the secretary of the League, and I went together. We started from the League offices together, went to Paris together, stayed for some time, and came back together. Mr. Tom Brennan brought over the League books with him.

96,530. All the cash books?—Yes, all I saw there. We were under the impression at the time—in fact, we were told—the Government would make a raid on the office and take all the books, and Brennan took them away for safety into Paris.

96,531. Were they left in Paris?—Certainly. Brennan and I came back from Paris, and he left them there.

96,532. Brennan came back and left them there?—Yes.

Cross-examined by Sir HENRY JAMES.

96,533. This was in February 1881, I understand?—I took the date from Mr. Sexton. I fix the date in this way. It was the first meeting of the executive in Paris.

96,534. How many books did Brennan take over with him?—That I do not know. I had nothing to do with the books myself.

(*The President.*) I did not catch that.

96,535. Did you say that Brennan took books with him?—He was the secretary. He had charge of the books, and he brought the books with him. Previously I said Mr. Patrick Egan had taken some books himself, and Brennan, fearing as we did fear, that there would be a raid, took them away to Paris. Everything that ought to have been removed was removed. We were certain the Government were going to make a raid and take our records.

96,536. (*Sir H. James.*) Will you just answer my question shortly?—I am attending.

96,537. About how many books did Mr. Brennan take?—I do not know.

96,538. About?—I have not an idea.

96,539. Was there a large box full, or portmanteau full, or only a few?—I really cannot say. There was a large book Mr. Brennan used which was a sort of cash book. He used to write down the moneys received, and that sort of thing. That was taken. Then there was another book in which, I think, were entered payments made, and that was taken, and bank pass books, and so on. I did not look into the books, but I understood he took all the books of importance at the time. Fearing a seizure, he took them all away with him.

96,540. Did he take them after consultation with you or anyone else you know?—After consultation with me. I was the only member of the executive there at the time, at least I think so.

96,541. Did you agree with these books being taken over to Paris to Egan?—Yes; there was a general agreement that everything which could be seized should be removed.

96,542. You have always been well aware these books did go in February 1881 or thereabouts to Paris?—Certainly.

96,543. You never had any doubt about it?—Never; it was not always present to my mind until the question was raised here, but I never had the slightest doubt upon my mind. It was a thing I was perfectly conversant with.

96,544. When do you say the question was raised here?—Well, I was asked a question myself in the box the other day about books and papers and that sort of thing. I stated the police made a seizure in the “United Ireland” office of some books and papers, but they were not of much importance, I take it.

96,545. There may be a reason for it; but when you were here before, this being present to your mind, I do not think you stated anything about these books going to Paris?—I made no statement the last time I was here about the books going to Paris.



23 July 1889.]

MR. LOUDEN.

[Continued.]

96,546. I think you were asked about books, were you not?—I was asked about my own books, I think.

96,547. Books of the Land League, too, I think?—I think my own books. I think I was asked by you, did my secretary keep books, and I said yes; I do not think I was asked a general question.

96,548. At any rate, you had this in your mind when you were here?—I must candidly confess that it was Mr. Parnell's evidence recalled to my mind to-day particularly Mr. Brennan bringing over these books. Mr. Parnell did not seem to know anything about it. He thought Mr. Egan brought the books, and Egan only. I remember Brennan bringing all the books from the office when we went over to Paris.

96,549. Were they given over to Egan in Paris?—Of that I know nothing. I presume they were left in the office.

96,550. I am speaking of what occurred in Paris. Were they given by Brennan to Egan in Paris?—I saw no formal delivery of the books; but you may take it for granted they were given over to Egan, who was in charge of the office.

96,551. There was an office in Paris, was there not?—Not at that particular time. Mr. Egan was staying at the Hotel Brighton, and later on I think he took an office somewhere, but I was not in the office.

96,552. Keep to February 1881; was there an office of the Land League in Paris at that time?—Not what I call an office. We had a suite of rooms.

96,553. In the Hotel Brighton?—Yes.

96,554. Did you see the books there?—I have no distinct recollection of having seen them; but I know Brennan brought them there. He was staying in the hotel where they were brought into one room or another. They were evidently in Brennan's bedroom.

96,555. And delivered over, at least you would suppose so, to Egan?—That would be the natural course of events. I do not remember any formal delivery, but of course Egan would have to see the books and the books would be given to him.

96,556. Had Egan got in his possession the books for the time previously, the entries previous to those entries existing in the books Brennan took over? You know what I mean, the old books?—Not exactly. I understand you to mean had he books other than those books brought over by Brennan?

96,557. Yes, referring to periods previous to the entries in Brennan's books?—I cannot mention about entries. Of them I know nothing; but I know Egan had other books.

96,558. Which you or Brennan had not taken over?—Books with which he was more concerned as treasurer, or one way or another, I do not know; but I know he had other books than those.

96,559. Here your knowledge ends. You know nothing of what has become of these books?—Which books?

96,560. The books taken over by Brennan?—They were left in Paris.

96,561. My question is do you know anything more of them?—No.

96,562. Were any documents taken over other than books?—I do not remember any documents.

96,563. There were only these books of which you speak?—I do not think we had any documents.

(The Attorney-General.) I was stating to your Lordship that I have some questions to put to some of the bank clerks with reference to certain accounts of which at present we have not had full information; but I confess I should rather myself have known whether I should have the opportunity of cross-examining any of the other witnesses with reference to these books before I went into that which is to a certain extent reply on our behalf. I have certain questions to put to the bank clerks, and I have certain evidence to give; but certainly I should desire to know what account was going to be given of the Land League books in full before I gave evidence.

(The President.) I am told it is not proposed to call any other witness.

(The Attorney-General.) It was in reference to what I mentioned to your Lordship this morning, whether or not your Lordship would think it right to call Mr. Campbell or anybody.

(The President.) That must be left for us to consider.



23 July 1889.]

MR. LOUDEN.

[Continued.]

(*The Attorney-General.*) Then in all probability I had better proceed with the examination of certain bank officials, and I have another witness.

(*Mr. Sexton.*) Before the Attorney-General proceeds, I wish to say I received lately a letter from the Secretary of the Commission, requesting me to place in his hand the return paid cheques of my account at the Hibernian Bank, College Green, Dublin, from the 16th January 1883 to the 30th June last year. The terms of the letter appeared to me to indicate that my account had already been inspected. I was not aware whether your Lordship had made any order authorising Mr. Cunynghame to write that letter.

(*The President.*) What we did was to refer to Mr. Cunynghame the examination of the books which were produced; and, of course, though I was not aware of this particular letter, I suppose it was something which he has thought it necessary to write for the elucidation of the accounts brought before him.

(*Mr. Sexton.*) I wish to inform your Lordship the account in question is my private account. It was only opened a considerable time, more than a year, after the suppression of the Land League. It has never contained any moneys except my private moneys, unless it be the moneys relating to the office of Lord Mayor of Dublin, which I have held for the last year and a half. I have never administered any moneys either of the Land League or of the National League. If I had known that any order was to be made to authorise an inspection of that private account by the agent of the "Times" newspaper I should certainly have appeared before your Lordship to show cause against it; and I am at a loss to conceive whether such an order could have been made without previous intimation to me, which I have not received.

(*The Attorney-General.*) My Lord, I do not wish to interfere at all. I only think it right to say it was done with the consent of Mr. Sexton's counsel.

(*The President.*) This order was made after hearing counsel on your behalf, Mr. Sexton.

(*Mr. Biggar.*) My Lord, I have a similar complaint to make. My case is different from that of my right honourable friend Mr. Sexton, because I am not represented by counsel or by attorney either, and an order was given to examine my personal private account on the 26th of last month without any notice whatever to me. I had no intimation the account was going to be examined till incidently the solicitor of the National Bank told me that Mr. Soames was then in the act of examining into my private affairs.

(*The President.*) No, no.

(*Mr. Biggar.*) Which had no reference whatever to this inquiry, and I have it proved in evidence.

(*The President.*) There has never been any examination into your private affairs. You were present yourself before us. We all recollect having the pleasure of seeing you, Mr. Biggar, when the matter was discussed.

(*Mr. Biggar.*) Yes, when that was discussed. Your Lordship is quite mistaken. The order was given on the 26th of last month. I was not here on that day, and I did not get the slightest intimation that the application ever had been made, or that the order had ever been given, till I found Mr. Soames actually in the act of examining into my purely private affairs, which had nothing whatever to do with the present inquiry. Now he wants to cross-examine witnesses with regard to these private accounts.

(*The President.*) No, no.

(*Mr. Biggar.*) And not only so, my Lord, but Sir Henry James agreed that he did not wish to know the private affairs of any members of Parliament, and in the order in which I was included, the names of some six or eight or ten members of Parliament were also included, with regard to their private accounts at the National Bank, Charing Cross.

(*Sir H. James.*) My friend the Attorney-General says we have no right to interfere, but Mr. Biggar's statement must be qualified. In the first place, as to what Mr. Soames has done, he has seen no accounts except an account containing entries mingled with others of course relating to Land League or National League affairs and in pursuit of those only. With reference to what Mr. Biggar has said about myself, fortunately what was agreed between Mr. Reid and myself is in writing. It is simply a courtesy on my part. It was that private affairs of members of Parliament as to payments made to them should not be placed before the public, because it was a personal matter



23 July 1889.]

MR. LOUDEN.

[Continued.]

in relation to one account and one account only. It was a mere matter of concession, and that view has been adhered to most strictly from beginning to end. There has been no deviation from it.

(*Mr. Sexton.*) I wish to say an examination of my account at the Hibernian Bank is an examination of my private affairs and nothing else, and I have further to say, I never received any intimation of an order having been made, and never received an intimation that the subject would be brought before your Lordships. The first I heard of it was a letter from the secretary, the terms of which made it clear to me that my private account, without my cognisance, had been inspected by an agent of the "Times."

(*The President.*) That is not so. That is your view of the case, but it is not so. I have already said you were represented by counsel when the matter was discussed before us. We have not made an order that your private account should be investigated, but we have made an order which the secretary has been endeavouring to carry out.

(*Mr. Sexton.*) There is no other account, my Lord, but the private account.

(Adjourned for a short time.)

(*The Attorney-General.*) My Lords, with reference to what was said just before the adjournment by Mr. Biggar, I think it is only right that this should be upon the note. It is a document signed on the 26th of June 1889 by Mr. William Graham on behalf of the "Times," and Mr. R. T. Reid, counsel, who negotiated with Sir Henry James on this question of what should be disclosed in connexion with this parliamentary account.

#### "BANK BOOKS.

"The arrangement between Sir Henry James and Mr. Reid was—

"That a copy of the account of Biggar and McCarthy, commencing 1886, should be furnished, omitting the names of the members paid, but including the amounts paid to them. A copy of that account has been furnished, omitting the names of the payees in all cases where it is alleged the payment was to a member as such. No arrangement was made as to any other account.

"R. T. REID.

"W. GRAHAM."

Then Mr. Reid adds:—

"Which we quite agree to. Therefore this account."

That is the one commencing 1886. Therefore this account of the bank book would not be inspected, the giving a copy was to prevent that, that is the sole arrangement. Sir Henry James was perfectly right, if I may say so, that no other arrangement was made with regard to any account at all.

(*Mr. Sexton.*) There is no other reference made to any account.

(*Mr. Biggar.*) And there is no reference whatever to my personal account. I was entirely outside the consent of Mr. Reid, on which this order was given. I had no notice whatever that the order was made until Mr. Soames was in the act of examining the account, and then it was only accidental. I never consented to it and I had no notice of it.

(*The President.*) Have you got to the end of that?

(*The Attorney-General.*) Of this, my Lord, yes.

(*The Secretary.*) As to Mr. Sexton, here is the order made by your Lordships on the 17th, with Mr. Sexton's name in it. That is the order on the Hibernian Bank to which Mr. Sexton alludes.

(*The President.*) The question of the Hibernian Bank accounts was discussed here in open court, and after hearing what was said upon the subject, Mr. Sexton being then represented by counsel, we made the order; but I have to observe with regard to this, that it is a mistake, and there is a continued reiteration of it by Mr. Biggar, but it does not make any alteration of the facts. We have never ordered that there should be an inspection of private accounts, and not only have we not ordered it, but it has been under-



23 July 1889.]

MR. LOUDEN.

[Continued.]

stood and expressed all through by everybody engaged in the case, except Mr. Biggar, that private accounts were not to be examined into, but, of course, there is always a question of what are private accounts. I think, Mr. Biggar, therefore, I need say no more upon the point. With regard to Mr. Sexton, the matter stands thus: An order has been made for the inspection of a particular account at the bank. In the course of the investigation the secretary, as it appears to me, though it was not brought to my personal notice, or to the notice of my brothers, thought perfectly right that in order to understand the account he should have the counterfoils, and called upon Mr. Sexton to produce them. Well, he refused to produce them, as I understand it, on the ground that they relate to his private account. Is that so, Mr. Sexton?

(*Mr. Sexton.*) I take this the first opportunity I have had to submit to your Lordships that this account is absolutely a private account.

(*The President.*) Mr. Sexton says that he refuses to produce these counterfoils because they relate to his private account. If Mr. Sexton is called upon to do so; if Mr. Sexton puts himself in the box to make this statement, subject to cross-examination, then these counterfoils would not be called for.

(*Mr. Sexton.*) I wish to say at once that I should submit myself to any order your Lordships should think proper to make, but, of course, in the event of an inspection it would be necessary for me to make a motion in the House of Commons for leave of absence because the bulk of my papers are in Dublin.

(*The Attorney-General.*) If you say it is only a private account that is not necessary.

(*The President.*) I have endeavoured to express myself clearly. It is this, that if you make a statement in the witness-box that those documents which you decline to produce relate only to your private affairs, then I shall accept that statement.

(*Mr. Sexton.*) I am anxious to make that statement, but I wish also to say that, although the accounts are absolutely private accounts, I wish to submit myself to any order your Lordships may make.

(*The President.*) We should not make any order if you say they are absolutely private. It will be for you to consider whether you should volunteer that the accounts should be inspected. That is, of course, a very proper thing for you to deal with.

(*Mr. Sexton.*) I have no objection, except that I shall have to go to Dublin, and spend a number of days in going over the papers, which have been the accumulation of years.

(*The President.*) Now will you kindly go into the witness-box.

MR. THOMAS SEXTON re-called.

96,564. (*The President.*) I will put the question to you. Do these counterfoils, which I understand you have been requested to produce, relate exclusively to your private affairs, and not in any way to the business of the Land League or the movement which the Land League was the embodiment of?—They relate in no way to the business of either the Land League or the National League. The account was opened long after the suppression of the Land League and during the continuance of the National League. I have had no connexion with it.

96,565. I am sure you do not mean that, but that would be limiting it strictly to what was Land League and National League business. I endeavoured to cover a wider ground. Does it relate to the action of those persons, including yourself, who were engaged in the Land League and National League movement?—No.

(*The Attorney-General.*) I should like just to put a question.

Further cross-examined by the ATTORNEY-GENERAL.

96,566–7. What date are you speaking of? When was the account opened at the Hibernian Bank?—I have not examined the account, but Mr. Cunynghame in his letter stated that he wanted to see the counterfoils from the 16th of January 1883. I think the account was opened some time about that date.

96,568. Was it not rather earlier, the 6th of February 1882? I am only putting it that you may get clearly before your mind what my Lord is putting to you in case of any misunderstanding. There are certain cheques paid to your order amounting



23 July 1889.]

THOMAS SEXTON.

[Continued.]

altogether to 300*l.* I will give you the actual dates. On the 6th of February 1882, 150*l.*; on the 1st of April 1882, 50*l.*; 10th of June 1882, 50*l.*; 21st of July 1882, 50*l.*; making 300*l.* I understand you to say that those are entirely and exclusively in reference to your private affairs?—They would be payments for parliamentary expenses to me.

96,569. Would they be Land League moneys?—Not at all; payments to indemnify me for my attendance on parliamentary duties.

96,570. But you do not know out of what fund they came?—No.

96,571. I want to get clearly, and I rather think this is what my Lord wishes; if they are payments to you that, of course, satisfies one limit of the inquiry, but they were payments made to you; you do not know by whom?—I should think that any payments to me for parliamentary expenses would have come through Mr. Biggar probably.

96,572. As I understand your statement, I think you had better repeat it there, if you will allow me, your statement is you have never disbursed any Land League moneys at all?—Never at all.

96,573. Neither as principal nor as agent?—In no way, except that when I was in charge of the Land League in Dublin from May to September 1881, my memory is that during a short absence of Dr. Kenny, the treasurer, in London, I did sign some cheques on his behalf. I had no account at that time.

96,574. I think you did give that explanation before?—Perhaps I did.

96,575. May I take it from you that you never had the disbursing of any moneys that came from Mr. Egan or from America direct, any passing through the Land League and the National League?—Never at any time.

96,576. May I also take it that you have no other account through which Land League moneys could have gone, except that which you say is your private account?—I never had any account but one.

96,577. And your statement is that moneys paid to you were paid to you personally for parliamentary expenses, or for loss of time in connexion with that?—Simply what we call payment for parliamentary expenses.

(*The Attorney-General.*) Of course, I accept that statement.

(*The President.*) Now with regard to this other matter. We certainly had expected that Malony would be called by Sir Charles Russell, or by those whom he represented; and as we learn that he has, in fact, been subpœnaed by Mr. Lewis we require that Malony should be put in the box.

(*The Attorney-General.*) I rather gather your Lordship at present limits it to that?

(*The President.*) Yes.

(*The Attorney-General.*) I do not know whether he is here at present.

(*The President.*) I am sorry to see that Mr. Lewis is not here.

(*The Attorney-General.*) I think it right to say that Mr. Lewis's brother is very ill. He intimated that to me. I certainly would rather not have to call any evidence to-day. Mr. Lewis's clerk is here.

(*The Secretary.*) Is Malony in court? Is W. F. Malony in court?

(Malony was called, but there was no answer.)

(*The Attorney-General.*) Before I go to this other matter which I mentioned before your Lordships adjourned, my attention has been called to the fact that I undertook to prove the speech of Mr. Dillon, which formed the subject of the cross-examination of Mr. O'Brien and another witness at page 4694. I am told that the witness to prove it is in attendance, and I had better put it on the note.

(*The President.*) With regard to Malony, is anyone here from Mr. Lewis?

(*The Attorney-General.*) Mr. Lewis's clerk is here.

(*The President.*) Will you be kind enough to convey what I say to Mr. Lewis? It may not be necessary for us to do anything more, but I should like you to have an intimation from Mr. Lewis.

(*Mr. Griffiths.*) Yes, my lord.

(*The Attorney-General.*) I think it is only fair, before your Lordship exercises any judgment as regards any other names, that I should ask you to look at the letter at page 2075. I wish to say nothing more than call your Lordships' attention to it. I



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

thought it right only to remind your Lordships of that letter, with reference to the possibility of our making observations afterwards, that your Lordships might have thought your attention ought to be called to it at once. It is a letter of the 18th of October 1881.

(*The President.*) I have already marked it. I see my attention has been quite recently directed to that letter.

(*The Attorney-General.*) If your Lordship pleases.

(*The President.*) There is one thing that is to be put in order as counsel are not here. I call attention to the fact that you referred in your examination of Mr. Parnell to certain returns.

(*The Attorney-General.*) I thought I was not justified in putting them in until I came to the stage of my reply. Of course I will hand them in then.

(*The President.*) Of course they will be handed in as evidence. You were simply reading from some proof.

(*The Attorney-General.*) I propose to hand them in later on. I can do it now—they can be taken now if you please.

(*The President.*) They have to be identified.

(*The Attorney-General.*) I will identify them. They are returns published in the "Dublin Gazette" for 5th June 1882, 3rd July 1882, and 2nd August 1882.

(*The President.*) Let them be marked and they can be referred to.

(*The documents were handed in.*)

MICHAEL O'RORKE sworn; examined by Sir HENRY JAMES.

96,578. Are you a sergeant in the Irish Constabulary?—Yes.

96,579. Did you report a speech made by Mr. Dillon on the 7th November 1886?—Yes.

96,580. Is the right name Keenagh, county Longford?—Yes.

96,581. Have you got your shorthand notes here?—I have.

96,582. Just put them before you. Have you also got the written transcript of the speech?—Yes.

96,583. Have you compared the printed transcript with the shorthand notes?—The written transcript I have compared with the original notes.

96,584. When did you make the comparison?—On Sunday last.

96,585. Is that which is written there a complete and correct transcript of what you have in your notes?—Yes.

96,586. And do you believe your shorthand notes to be correct?—They are.

96,587. Will you read what you have there of what Mr. Dillon said?

(*Mr. Justice A. L. Smith.*) What page, Sir Henry?

(*Sir H. James.*) Page 276; it was read by the Attorney-General in opening.

(*Mr. Sexton.*) My Lord, we think that the witness ought to read from his original notes.

(*The President.*) Well, at any rate, it takes a long time to read the shorthand notes. It is the usual way to swear that he has examined it and that the transcript is correct.

(*Mr. Sexton.*) May we have the original notes while the witness is reading the transcript?

(*The President.*) Well, yes, where are the original notes? (*The witness produced the original notes, which were handed to Mr. Sexton.*)

(*Sir H. James.*) My Lords, I do not think it right to mention to your Lordships in consequence of a communication made to me in all courtesy that a question was raised about this speech as being made within the time covering the period of the Plan of Campaign; the matter was raised at page 5966. Mr. Harrington, at that time when the speech was mentioned, pointed out as also did Mr. Lockwood that at the conclusion of the speech it alludes to the Plan of Campaign. This is, Mr. Lockwood, the last question but one, Mr. Lockwood says:—

"I find that this speech is set out on the note at page 282. I am not going to ask this gentleman about it.

"(*The President.*) Are we to take it as the speech?

"(*Mr. Lockwood.*) It is here, my Lord, on the note.



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

" (*The President.*) Very well; I take that on my note.

" (*Mr. Lockwood.*) It is only in justification of what I said just now. It alludes in conclusion to the Plan of Campaign. I am only mentioning this to your Lordships and to my learned friends to justify the interruption that I made just now."

So far as it would appear to be in support of any action in regard to the Plan of Campaign I do not wish it to be read.

(*Mr. T. Harrington.*) In general it was an undertaking by the other side, of course, that nothing relating to the Plan of Campaign should be put in, that speeches referring to the Plan of Campaign would not be put in evidence here. I recollect having to defend Mr. Dillon for this very speech, and this very witness was examined in Court against him.

(*The Attorney-General.*) The matter is perfectly plain; when it was discussed and debated whether we should go into the Plan of Campaign we had a consultation and determined it should not be done, but at the same time I stated that the speech which had another bearing and which plainly showed by my cross-examination of Mr. O'Brien had another meaning, that I would read it, and your Lordship said anything which had not to do with the Plan of Campaign could be read.

(*Mr. T. Harrington.*) Of course I do not raise any objection, I merely reminded the Attorney-General that it would throw counsel defending Mr. Dillon off their guard to have a speech brought in of that period.

(*The President.*) So far as that is an allusion to what passed between the Attorney-General and Sir Charles Russell —

(*Sir H. James.*) No, it was in open Court. My learned friend the Attorney-General said he would not go into the Plan of Campaign.

(*The President.*) I am not aware that passed. I thought there was something else; we have never been called upon to express any opinion whatever upon that question of the Plan of Campaign, but of course we should not interfere with the discretion of the Attorney-General in the matter when we were dealing with the question of the admissibility of evidence. Then I have to point out that it is not pertinent to say that it relates to the Plan of Campaign unless it can also be added that it has no relation, no bearing upon the previous conduct of the parties, and I assume, therefore, it is tendered not in support of anything in connexion with the Plan of Campaign, but on the supposition that it has a bearing upon the earlier transaction.

(*Sir H. James.*) My Lords, I will strike out anything in it that does not bear upon the Plan of Campaign.

(*Mr. T. Harrington.*) I think it better that the whole speech should go in.

(*The President.*) I think that is a sensible suggestion.

(*Sir H. James.*) Read your transcript, please?

(*The Witness, reading:—*)

" Men of Longford and Westmeath,—Could any one for a moment  
 " doubt when looking at the thousands that are around this platform to-day  
 " that if you were but organised amongst yourselves, and acted together  
 " loyally, one man with his neighbour, under proper leadership, you need  
 " have any fear for Lord Annally or Mathew Weld O'Connor in this part of  
 " the country? (Groans.) You know as well as I know that the only thing to  
 " stand between you, the people of Longford, and perfect freedom in your own  
 " homes—aye and low rents on your own farms—is the difficulty to get you to  
 " organise together, and follow as one man the lines which we have laid down for  
 " you. If Lord Annally or Colonel King Harman believed for one moment—  
 " (groans)—that you, the people of Longford, would follow out the policy which  
 " we recommend to you, and would not betray each other, and would take no  
 " terms, one man, that was not given to all, I say if they believed that, to-  
 " morrow you could fix your own rents. The reason why they show you  
 " no mercy here in Longford, the reason why Lord Annally refuses a  
 " penny of reduction, while the Marquis of Lansdowne in Kerry is giving  
 " 20 per cent., aye, on the judicial rents, the reason is because in Kerry they  
 " know how to stand up and defend their homes, and because in Longford  
 " you have been too quiet. (Cheers.) Believe me, that if in the south



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

“ of Ireland the landlords are very gentle—not all of them, but a great many of  
 “ them, and those the biggest fish—and are giving good reductions on the judicial  
 “ rents, while, I am sorry to say, the landlords here won't give a reduction  
 “ on the old rents even. (Cheers.) Well, now, who have you to blame for that?  
 “ Yourselves, and no one else. If you organise in this country; if you did as the  
 “ Kerry boys did—I don't mean to say by that I want you to become moon-  
 “ lighters—what I mean to say is this, that you must show the landlords, you  
 “ must show the agents, you must show the bailiffs and every single man who  
 “ hangs round the rent office, that if he is against the tenant you can make him  
 “ suffer for it. (Cheers.) Look at the lesson that has been taught the people of  
 “ Ireland by the people of Woodford. Now, I say to you, how are you to make  
 “ those men who stand by the landlords, who assist in their evil work; I ask  
 “ how are you to make them suffer? I don't mean to say you are to commit any  
 “ act of violence; on the contrary, I have always warned the people of Ireland  
 “ against that course. What I do say I know by experience, that where the  
 “ people are organised, and are loyal to each other, they can make those men  
 “ suffer and tremble in their shoes without raising a single finger against them.  
 “ I have seen men, the most over-bearing and hungry landlords.”

(The President.) It is printed here :—

“ I have seen the most bloody and overbearing hungry landlords.”

(The Witness.) It is.

“ I have seen the most overbearing and hungry landlords.”

(Mr. Campbell, referring to the original shorthand note.) It is “ most bloody in the  
 “ notes.”

(Sir H. James.) What word have you got in your manuscript?

(The Witness.) Most overbearing and hungry. (Continuing reading :—)

“ I have seen them coming to the committee of the League branch, begging for  
 “ mercy; men who a short time before would have given very little mercy to any  
 “ farmer in the county. So, I say, you must learn, if you want to have any jus-  
 “ tice here in Longford, you must learn to direct attention to bailiffs and agents.  
 “ Now, I want to say a few words about the lesson that has been taught to Ire-  
 “ land, by the little parish of Woodford, in the south of Galway. (Cheers.) Now,  
 “ the people of Woodford had a man to deal with as tough a customer as any  
 “ landlord in Ireland. In the first place, a rich man—very rich; and in the  
 “ second place, he lives away in London—no one knows where. Now, the people  
 “ of Woodford—there are 320 tenants in that parish, but it is only a portion of the  
 “ estate, and last November, only one year ago, these people asked for a  
 “ reduction of rent, 25 per cent. Well, Lord Clanricarde did not take the  
 “ trouble of answering their letters, he never noticed it, although a bishop's  
 “ name was signed at foot. The people, 320 tenants in Woodford, came  
 “ to the resolve that they would not pay one shilling until a reduction  
 “ was given them. That struggle commenced a year ago, and I want to lay  
 “ before you the nett result of that year in Woodford. The Government  
 “ have expended thousands of pounds in an expedition into that country; Lord  
 “ Clanricarde must have lost at the very least 3,000*l.* What did he succeed in  
 “ doing for all this outlay on the people of Woodford? He has only got six men  
 “ out of their houses. He has got six men evicted. But it took him a good long  
 “ time—a whole year—to get these six men out of their houses; and recollect  
 “ that the 320 tenants have not paid one shilling yet, nor will they pay a shilling.  
 “ (Cheers.) He picks out—of course landlords always do—he picked out four  
 “ men who could pay their rent.”

(The President.) Here it is; he picked out four men to pay their rent.

(The Witness.) It is four men who could pay their rent.

“ A great many of those Woodford tenants are too poor to pay, as many of  
 “ you are, too. He picked out those he knew to be of good reputation  
 “ in the parish of Woodford, and he went into the place with eight  
 “ hundred men at his back. Well, now, although no blow was struck it



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

“ took those eight hundred men ten days to get those four men out of  
 “ their houses, and this has been the result. That took place two months ago.  
 “ and Lord Clanricarde has done nothing more since. The people of Woodford have  
 “ set an example that they have a right to be proud of, and all Ireland should be  
 “ thankful to them. When the four men were selected to be evicted they defied  
 “ him; and although they are out of their homes to-day they are none the worse  
 “ off. They have comfortable houses provided for them, and they are supported  
 “ by the public funds of the country, and they will be supported as long as there  
 “ is an organisation in Ireland on behalf of the tenants. They were the first to  
 “ fall in a struggle which will benefit the population of Woodford and keep back  
 “ the evictions from the door of the poor man. They fell in a struggle which  
 “ has done good to the tenant's cause all over Ireland and in America. Now, what I  
 “ say is this, that if we had thirty or forty, or two hundred Woodfords in Ireland,  
 “ where would the landlords be? If it took so many thousand pounds to evict those  
 “ four tenants of Lord Clanricarde's, if all Ireland was organised as Woodford,  
 “ the tenant's case was settled. There would be no rack-rent or oppression  
 “ in this country. The only difficulty we have to contend with is the  
 “ difficulty of getting the people to organise amongst themselves; this is the case  
 “ I find, I am sorry to find it, in many districts in Ireland; while they like very  
 “ much to read descriptions of fights in other counties, while they are very glad  
 “ to get all the benefits they can by the fight; they don't like to fight the battle  
 “ themselves. I say that the secret of success is this, to have every parish in  
 “ Ireland stand out at the same time, and the Government would not attempt to  
 “ carry out a war of extermination against all. The difficulty is that when a  
 “ parish like Woodford makes a gallant stand it is almost alone. Now, I said a  
 “ few moments ago that the men evicted in Woodford are none the worse  
 “ off for being evicted, and I say it again, they are none the  
 “ worse off; because in point of money they are richer men to-day than  
 “ ever they were in their lives, and know perfectly well that before this  
 “ war is done they will be back in their farms at a lower rent. No man, of  
 “ course, dare take the farms, and no man ever will as long as they are out of  
 “ their farms. And Lord Clanricarde, instead of getting his rent, he has two or  
 “ three emergency men in each farm with five policemen to guard the three  
 “ emergency men. (Groans.) So it must cost him at least 4*l.* a week to guard each  
 “ farm. How long do you suppose he is going on with that game? And if he  
 “ goes to evict ten or fifteen more likely he will have to pay 40*l.* or 50*l.* to protect  
 “ these farms; and all I can say is that as long as he likes to go on with that  
 “ game I am quite ready too. (Cheers.) Meanwhile the rest of the people of the  
 “ parish have stood like men, and not one shilling will he get from the people of  
 “ Woodford until he reinstates these tenants and gives the rest good terms.  
 “ Now, I want to say this, that the people in America, the Irish in America,  
 “ are assembling in great meetings now, and collecting money for evicted  
 “ tenants. Now we expect to get very large sums, and this I want to  
 “ say to the people of Ireland, that we shall take care in Dublin that the  
 “ money goes to those tenants in those parishes who are fighting like men for  
 “ their rights—(cheers)—and not a shilling of American money shall we send to  
 “ any district which will lie down and allow themselves to be trampled upon, and  
 “ every penny of it shall be sent to districts where we see the people standing up  
 “ like men for their rights, and remember that the right thing to do is to help  
 “ those who have the courage to help themselves. I have a word to say on the  
 “ question of rents here. You know perfectly well that the men who went in  
 “ recently on the estates of Lord Annally and King-Harman to the Courts got  
 “ very different reductions from those men who went in two or three years ago.  
 “ I don't know whether any of you recollect that when the Land Act was first  
 “ passed we advised you not to be in a hurry going into the Land Courts, and  
 “ I am certain that the Irish tenants went——”

(The President.) It is “I am sorry.”

(The Witness.) It should be—

“ I am certain that the Irish tenants who went into the Land Courts against the  
 “ advice of Mr. Parnell and the League two or three years ago would give a great  
 “ deal had they not gone in at all. Now, the men who were slow to go into the Land



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

“ Courts are the men who are getting justice, and, in my opinion, the Land Courts  
“ never did begin to give justice until last year. What do we see at the last Land  
“ Sessions? Why, we see Lord Annally's rents and King Harman's rents were cut  
“ down in many cases 50 per cent., and in many other cases 40, and in some of Lord  
“ Annally's as much as 60 per cent. Now, how in the face of this can these  
“ men have the audacity to say they won't give reductions to the men who are  
“ broken down with rack-rents and obliged to go into the courts, or who went  
“ into the Land Courts too soon and got no decent reduction? All I can say is  
“ this, that if the people here submit to such treatment as that they deserve very  
“ little sympathy from the rest of Ireland. Now I want to direct your attention  
“ for a few moments to what took place in the Court House, Ballinasloe, about a  
“ fortnight ago, in reference to the question of Griffith's valuation as a test  
“ relating to rent. Mr. Kane, who was President of that Commission,  
“ said, he was giving judgment on some cases which had been heard at  
“ Strokestown. he said, 'In reference to these cases and a good many others, I  
“ ' think they ought to be enough to remove from the minds of the people the  
“ ' idea that Government valuation was a good guide to the value of the land,  
“ ' and to show that the valuation was in some cases utterly and disproportionately  
“ ' high.' Then he went on to give judgments, and I ask you to listen to some  
“ of the judgments he gave. The first is Michael Harlow, valuation, 5*l.* 14*s.*,  
“ judicial rent, 3*l.*; Pat Harlow, valuation, 13*l.* 12*s.*, judicial rent, 8*l.* 5*s.* You see  
“ these are nearly 40 per cent. below Griffith's. The valuation in the next is 10*l.* 11*s.*,  
“ judicial rent, 6*l.*; valuation, 20*l.*, judicial rent, 14*l.* Now I say that those  
“ of you who are making up your minds to pay a fair rent should carefully con-  
“ sider these decisions of the Land Court. I long ago made up my mind, from  
“ observation of a certain class of land in Mayo and Roscommon which I knew  
“ something of, that Griffith's valuation in many cases is nearly double the  
“ valuation of the land. Now in my opinion, on poor light land and land that  
“ used to be tilled, Griffith's valuation is above double the value, and the Land  
“ Commissioners are only discovering that now. If you had taken our advice  
“ three or four years ago, and held away from the Land Courts, if you had not  
“ been so anxious to get in, they would have done justice then instead of now.  
“ They therefore saw this, when they saw you all so anxious and in such a hurry  
“ to get in, it was like the old story, 'Come into my parlour, said the spider to  
“ the fly.' If you had not gone in such a hurry they would have begun to give  
“ big reductions, but when you went in a hurry and a rush—we have you here  
“ now and we will give you very little. Now, while the men who have not gone  
“ in are the lucky men, they did not go in too soon. But what was it,  
“ and why—I want to ask you—why is it that this year the Land Com-  
“ missioners are giving so much better terms? The one reason, I am certain,  
“ because the land agitation is rising again, and the moment agitation rises again  
“ in the country the country begins to organise, and that moment the farmers  
“ get better terms from the landlords. (Cheers.) Now see what is going  
“ on in the county Kerry. Kerry, up till recently, was the worst treated  
“ country in Ireland. The rents were higher, and there were more evictions by  
“ far than in any other county in Ireland. The Kerry people did not lie down;  
“ the Kerry people showed some fight; the Kerry people showed that if farmers  
“ were evicted no man would step into his neighbour's shoes, and to-day in the  
“ county Kerry there are three or four hundred farms on which no man dare lay  
“ his foot. What is the result of that? The result is that they sent down a  
“ general officer named Buller—(groans)—to put down moonlighting, and coerce  
“ the Kerry tenants. (Groans.) But wait till I tell you what happened. General  
“ Buller had not been two months in Kerry before he began to coerce the Kerry  
“ landlords, not the tenants—(laughter)—and at the present moment in Kerry it  
“ is the Kerry landlords who are down on General Buller and not the tenants.  
“ (Cheers.) The other day, when Lord Kenmare assaulted a large force of  
“ police for the purpose of carrying out these evictions we have heard so much about,  
“ General Buller ordered the police to go home and send a circular to Lord Kenmare  
“ he would not allow any police to evictions until he had first found whether the  
“ eviction was a cruel one or not. (Loud cheers.) Well, that is exactly what we  
“ asked the Government to do two years ago, and what we asked them to do last



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

“ year and last spring, and they said they would do nothing of the sort. And do  
 “ you believe they would do it now if the Kerry people had submitted peaceably  
 “ to be driven out of their homes? As long as the Irish people submitted in  
 “ peace to be persecuted and exterminated, so long no one had a word of mercy for  
 “ them; but when they arose, as in Kerry, and struck back blow for blow against  
 “ their oppressors, then the Government began to think there must be some  
 “ justice in the people's claim. The lesson I have to teach you is this, if you  
 “ want to save yourselves from cruel extermination, ruin and extermination.  
 “ if you want to prevent men, every man of you, according as you get too poor to pay,  
 “ from being driven from your homes and with nobody to sympathise with you, you  
 “ must begin in time, you must organise now, you must stand shoulder to shoulder,  
 “ those who can pay side by side with those who cannot pay. You must show  
 “ the landlords and the Government that if they are going to extremes to harass  
 “ the tenantry of Longford, you will want a general officer down here as well as  
 “ in Kerry. (Laughter.) And the best thing would be to do, a result of our  
 “ experience, would be to have every county in Ireland requiring a general officer  
 “ for itself. (Cheers.) I know perfectly well, and the real truth is this, that  
 “ this injustice and tyranny, which these men like Mr. Mathew Weld O'Connor  
 “ practice on you—(groans)—must be done, if it is to be done at all, must be done  
 “ in the dark, and if you drag into daylight by your exertion and your agitation  
 “ —if you drag into daylight these deeds, like Mr. Samuel Hussy, and many  
 “ more of his kidney, he will be obliged to retire into obscurity and give up  
 “ the battle; but if you submit as you have submitted quietly before, if you  
 “ allow these things to be done without paying back to some extent the men  
 “ who harass and torment you, then I say the Government will support  
 “ them in their policy, and every tyranny, and every cruelty, and every  
 “ extortion that can be done here in Longford in the dark will be done, and nobody  
 “ will sympathise with you. And it is now for the people of Longford to make  
 “ up their minds which course they will adopt. Whether on the one hand they  
 “ here in Longford will allow the landlords and their agents to have their own way,  
 “ or whether they will adopt the policy which we have offered to them, a policy  
 “ which, whenever the people have adopted it honestly and with courage, has  
 “ always succeeded with them, a policy which will be said exposes the people to  
 “ some risks and some danger. But what risk and danger does it expose you to  
 “ which you will not have to undergo to a greater extent if you lie down and  
 “ allow the landlords and agents to walk upon you? A policy which may expose  
 “ the people to some risks and some dangers; but I put it to you, when in the  
 “ history of the world did any men win anything worth having if they did not  
 “ show they were men prepared to struggle for it? (Cheers.) Your fathers and  
 “ the people of Ireland before us made greater sacrifices by far than we ask  
 “ you to make for the emancipation of the Catholic Church; they made them to  
 “ return members of Parliament, who very often betrayed the men who voted for  
 “ them. Aye, and the people of this country and every country in Ireland  
 “ over and over again went to the polls defying their landlords and their  
 “ agents, and very little ever they got in return for those great dangers  
 “ and sacrifices. But we call on the people of Ireland to make sacrifices  
 “ and run risks less by far than your fathers did before you, and for what  
 “ cause do we ask you to make them? Not for our benefit or for purely political  
 “ motives, but to destroy the tyranny which has crushed your people before you,  
 “ and that threatens to send you down to the same destruction. (Cheers.)  
 “ And to destroy that system which has depopulated this country and depopulated  
 “ Meath and Westmeath, and all the best countries of Ireland in the past, and  
 “ which had the men of 30 years ago, had they the organisation which we offer to  
 “ you to-day, I tell you that hundreds of homes would be standing to-day—  
 “ homes for good and honest people which are libelled most, and over the ruins of  
 “ which bullocks and sheep are feeding. (Cheers.) We call upon you to adopt this  
 “ policy in order to destroy that system which has been the curse of Ireland,  
 “ and which has ruined the homes of her people and driven thousands out of their  
 “ country, we call upon you to adopt this policy, and to destroy that gang of men  
 “ called Irish landlords—(cheers and groans)—who never in the past history of



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

" Ireland has shown the smallest sympathy for her people, or the smallest interest  
 " in her welfare ; and who in every attempt that has been made——  
 (*The President.*) Every demand.  
 (*The Witness.*) It is.

" every attempt has been made in the past to set free our country and assert her  
 " nationality these landlords have always stood as foremost, and cruellest and  
 " bloodiest to put down the national ranks. Believe me, when I tell you until you  
 " have done this and taken out of the hearts of the Irish farmer that fear  
 " which is still too much of the agent and the landlord, you never will  
 " see in Ireland a free people, you never will see their country able to  
 " make its own lands. On the other hand, if you, by following the policy  
 " we recommend to you, crush landlordism and its agents, if you do that,  
 " you will have for yourself not only happy and free homes, but for your  
 " country freedom and independence. Because that power which has stood  
 " between you in the path of Ireland in the past ; that power which has more  
 " than anything else under the sun denied Ireland liberty and the right to govern  
 " her own country ; that power which has poured upon our country poverty, dis-  
 " turbance, and destruction and misery has been, I say, more than anything else  
 " under the sun the power of Irish rackrenting and evicting landlordism. (*Cheers.*)  
 " And if you will only make up your minds to organise and follow the example set  
 " to you by Kerry and County Woodford, you will enable us to crush that power  
 " and to put an end for ever in Ireland to tyranny, extermination, and rackrent. I  
 " have only to say in conclusion that I advise everyone here who is listening to  
 " me to-day to take up and read the Plan of Campaign which was published  
 " in 'United Ireland,' to keep that in his house, and whenever any estate is  
 " going to organise and demand terms from the landlord that they follow as  
 " nearly as they can the policy which is there laid down and which we have  
 " carefully thought out for the guidance of the people of this country. If they  
 " will do that, as I have no doubt, they will succeed. But, in conclusion, I appeal to  
 " you all in this struggle in order that this policy may have an effect, avoid every  
 " kind of faction and dispute. Let every individual man in every parish enrol  
 " himself in the ranks of the League, attend the meetings, and elect officers in  
 " whom you have every confidence as honest men, and when you have elected the  
 " man in whom you have confidence then follow these men unto victory." (*Loud  
 cheers.*)

Cross-examined by MR. SEXTON.

96,587. How long have you been writing shorthand ?—I was two years at it, I think, when that report was taken.

96,588. Two years in 1886. You were writing it two years before 1886 ?—Not quite two years. I think it was in the beginning of 1885 I commenced.

96,589. You began to write it in the year before this meeting ?—Yes.

96,590. How many words a minute did you write at the time of that meeting ?—I could write 150.

96,591. In one year you acquired such proficiency ?—Oh, for years I had been trying it before, but I went to the Dépôt School about the beginning of 1885 or 1884. I forget which now, and I had constant practice there, but for years before that I had been trying it in my own way.

96,592. And you think you were able to write 150 words a minute at that time ?—I was ; I am sure.

96,593. Is Mr. Dillon a very fast, impetuous speaker ?—Yes, very fast.

96,594. Have you ever heard a faster speaker ?—Well, yes, but very few though.

96,595. Was this a very crowded meeting ?—It was, but I was not crowded.

96,596. Where were you ?—I was standing at the foot of the platform surrounded by police.

97,597. And the crowd around the police ?—Yes.

96,598. You were not seated ?—No, I was not seated.

96,599. You took the notes holding the book in one hand, and writing with the pencil in the other ?—Yes.



23 July 1889.]

MICHAEL O'RORKE.

[Continued.]

96,600. And do you say you made these notes standing in the field with the book in one hand and the pencil in the other, and the police in the crowd surrounding you?—Certainly.

96,601. I observe that a number of proper names occur in your report and that, contrary to the usual custom, these proper names are reported in shorthand and not in longhand?—I never report proper names except in shorthand.

96,602. Are you aware that even the most accomplished reporters find it difficult to report proper names in shorthand?—I really do not know. I was acquainted with most of the names, and I find it much easier to write them in shorthand. They were names I was in the habit of writing.

96,603. Did you make any alteration to these notes, or additions?—I made no additions, but I made alterations.

96,604. No addition and no alteration?—I corrected them after the meeting was over and before I transcribed them. I have not touched them since.

96,605. Now with reference to the passage about the overbearing and hungry landlords. How do you explain the fact that the word "bloody," which his Lordship called attention to, occurs in the original notes and not in the transcript?—I will tell you. At the time of Mr. Dillon's trial he denied that that was a word that he used. So I thought I might have been mistaken in it, so I did not put it into this.

96,606. You have just said you made no alteration in these notes and no addition to them?—I did not say I made no alteration. I said I made no addition.

96,607. Do you swear that you made no addition?—I do.

96,608. His Lordship also called your attention to the word "sorry." You said "sorry," and his Lordship said "certain." Will you swear you did not alter the character of the writing in the word "sorry" afterwards and change it into "certain"?—I did not alter it, but I heavied it with the pencil.

96,609. You changed it from "sorry" into "certain"?—No.

96,610. Did you not add the character "n" to the shorthand afterwards so as to change the word "sorry" into "certain"?—I do not recollect now. Perhaps if you were to show it to me I could tell you.

96,611. What is the meaning of having put ink brackets before and after the word "bloody" in the original note?—When I was transcribing this to show I left the word out. I had that quite distinct on my notes, but when Mr. Dillon denied that he used it, I thought perhaps I had made a mistake in the word.

(Mr. Sexton.) I would ask their Lordships to look at the original note.

(The President.) I am sorry to say now I could not read it. At an earlier period of my life I could have read it, but I cannot now.

(Mr. Sexton.) I mean in order that you may judge whether a man standing in the crowd surrounded by the police would be able to make these notes.

(The Witness.) My Lord, that is the practice we have. Standing in the crowd we get experience and practice.

#### Re-examined by Sir HENRY JAMES.

96,612. You have said that Mr. Dillon denied that the word "bloody" was used?—Yes, the word "bloody."

96,613. Under what circumstances did Mr. Dillon deny that at the State trials? Did he interrupt? It was not given in evidence, I presume? How did he deny it?—As he was defending himself in the Court of Queen's Bench. I made an affidavit regarding the delivery of that speech, and Mr. Dillon was called upon, and in defending himself before the Queen's Bench he denied he used that one word. It was the only word he denied.

96,614. I was going to ask. Did Mr. Dillon take exception to any other portion of the speech except that one word "bloody"?—None whatever.

96,615. He did take exception to that?

(The President.) I did not know that any controversy would arise about the word "bloody." I only corrected it finding it written here, but I find in a later passage of the speech the same phrase is used.

(The Attorney-General.) Yes.



23 July 1889.]

ROBERT JAMES MILLER.

[Continued.]

(*The President.*) He speaks of the landlords as having "always stood as foremost and cruellest, and bloodiest to put down the national ranks." Therefore it would appear to be a word Mr. Dillon made use of.

(*The Attorney-General.*) I gather your Lordship does not wish the witness to remain.

WILLIAM GEORGE SIMM sworn; examined by the ATTORNEY-GENERAL.

96,616. You are the secretary, I think, of the National Bank?—I am.

96,617. You have to go to Ireland, I think? You are anxious to go to Ireland?—To-night.

96,618. I will take you now out of order. Do you produce the signature books of the National Bank?—What signature books?

96,619. The signature books; that is to say, the signatures of customers who are entitled to draw cheques on the banks during the years 1879 to 1888?—We have 96 branches.

96,620. I am speaking of either at Broad Street or Charing Cross?—We have a Charing Cross manager here and the London Bank manager here. They are both subpoenaed.

96,621. You can produce it. It does not matter. I only want to look it through. Do you produce the signature book to the Charing Cross branch, please? Which is that, the Charing Cross?—Yes.

96,622. My Lords will allow the other gentleman to come. I called you because I understood you wish to go to Ireland. Are you the gentleman in custody of the books?—No, I am not. It is the Charing Cross manager of the Charing Cross branch, Mr. Miller.

(*The Attorney-General.*) I may have a question to ask presently, but I will call Mr. Miller, if your Lordship will allow me.

ROBERT JAMES MILLER sworn; examined by the ATTORNEY-GENERAL.

96,623. Are you the manager of the Charing Cross branch?—Yes.

96,624. When did you begin to be manager?—In August 1875.

96,625. Is that the signature book?—One of them.

96,626. Will you produce the other then?—I have not it with me.

96,627. Why is that?—There is nothing wanted as regards the other.

96,628. You mean the period in question is not in that?—Yes.

96,629. It is earlier?—Yes.

96,630. Will you put a mark in the year 1879 where the signatures begin, or give me the number of the page. Are they numbered?—Yes.

96,631. That will do, I can take a note of it?—It is folio 82.

96,632. What date is that?—January 3rd, 1879.

96,633. From folio 82 down to what?—Do you mean in 1879?

96,634. No, 1887 or 1888?—That is not here. That is another book.

96,635. What does that book run to then, please?—April 27th, 1885.

96,636. Will you produce the next one, please?—I have not got that. That is in use. We could not give that up.

96,637. Well, you were subpoenaed to produce it?—We could not do our work if we gave that. We are constantly referring to that book. I can bring it.

96,638. Nobody wants you to give it up?—No.

96,639. It must be produced in Court. When did Mr. Biggar first open an account, please?—Mr. Biggar opened an account on the 29th January 1886.

96,640. Nothing before that?—No.

96,641. Either in his own name or anybody else's?—No.

96,642. Look, see?—That signature book is not here.

96,643. What signature book is not here?—The one in use.

96,644. What I want to know is, was there no account?

(*The President.*) I do not quite follow this, a signature book not in use. I should have thought if a signature book were in use at all it would apply to all of them.



23 July 1889.]

ROBERT JAMES MILLER.

[Continued.]

(*The Witness.*) This is an old one. We very seldom refer to this one. The one in existence now has constantly to be referred to.

(*The President.*) Of course, we will consult your convenience, but we override even the convenience of banks.

(*The Witness.*) I shall be most happy.

96,644a. (*The Attorney-General.*) We will not inconvenience you very much, Mr. Miller. What I want to know is, please, is there any index? Is this book indexed?—Yes.

96,644b. Prior to 29th January 1886 had Mr. Biggar no account at your bank at all?—No, he had not.

96,644c. Did he draw cheques upon your bank?—No.

96,644d. Either at your branch or anywhere else?—That I am not prepared to answer. He did not draw any cheques on the Charing Cross branch.

96,644e. But I must ask you?—I cannot say whether he had an account.

96,644f. How do you mean you cannot say? Do not you know?—I do not know whether he had an account in Ireland.

96,644g. Are you sure?—I cannot positively say.

96,644h. Did you not know at the time whether Mr. Biggar had an account before January 1886 with other branches than the Charing Cross?—No, I did not.

96,644i. Just look at this draft, if you please. "Paris draft, 3rd March 1881." That, I see, is crossed "National Bank"?—Yes, it came through some branch.

96,644j. To what account was that paid?—I cannot say. I do not know.

96,645. How do you mean you do not know?—I have carefully looked through our books for the 16th March, and I can find no trace whatever of this cheque coming through our books.

96,646. But do just observe. That is crossed "National Bank," is it not?—It is so.

96,647. And, I think, bears the official stamp?—Yes, it is endorsed by Mr. Biggar.

96,648. That would indicate it was paid through an account at your bank?—Yes, it would.

96,649. An account of Mr. Biggar's?—Mr. Biggar did not bank with us.

96,650. It would indicate it was paid through an account of Mr. Biggar's at your bank?—It may have come through one of our branches in Ireland.

96,651. I want to know, please. I must get the information from somewhere or other. I wish to know through what branch of the National Bank. That cheque is from Munroe's for 32l.?—Yes.

96,652. Who gives you the information. It is on Alexanders. Who would give me the information? I have a copy of it. I will put it in now.

(*The President.*) It would be of assistance to us.

(*The Attorney-General.*) Will your Lordship look at the original?

(*The President.*) Yes.

(*The Attorney-General.*) "Paris, 3rd March 1881, Messrs. Alexanders & Co., Munroe & Co. Pay to Joseph G. Biggar 32l. sterling." Crossed "The National Bank."

(*The President.*) Who is the drawer?

(*The Attorney-General.*) Munroes, Paris.

96,653. You believe that to have gone through your bank?—Yes.

96,654. Who is the gentleman who can tell me through what branch that was paid?—Unfortunately our vouchers, letters, and remittance books are not in existence now for that date. It so happens every few years we have such an accumulation of books that last March I received instructions to destroy certain books, and we destroyed about a ton and a half of books and letters.

96,655. March 1889?—No, paying in slips up to October 1883; the waste books up to 1883; remittance books to December 1885; bankers' charges up to October 1883; and what we called "used debits" up to 1885, December.

96,656. You did not follow me. When did you get the orders to destroy those books?—March 1889.

96,657. This year?—Yes.

96,658. From whom did you get that order to destroy those?—From the deputy chairman.

96,659. What day in March did you get that order?—I cannot tell you.



23 July 1889.]

ROBERT JAMES MILLER.

[Continued.]

96,660. About. Was the order in writing?—No, it was verbal. I sent the chief cashier in one day to say there was an accumulation of books. I should be glad to receive the director's sanction to my destroying a quantity of books.

96,661. Who was the director who sanctioned this?—The deputy chairman of the bank.

96,662. What is his name?—Mr. Devitt.

96,663. How long before that had you received an order to destroy the documents?—It was only just at that time.

96,664. How long previously had you received such an order?—Oh, some eight or nine years ago. We destroy them. We have such an accumulation of books that every few years we do that.

96,665. Applications had been made to you, had they not, respecting this account before that?—Yes.

96,666. Had Mr. Biggar come and got a copy of his account at any time before that?—Yes, I believe he did.

96,667. When did Mr. Biggar come and get a copy of his account?—I cannot say.

96,668. Cannot you fix the date?—No.

96,669. Do you keep no record in your books of any rendering out of a copy account to a customer?—Not anything like that; no, certainly not.

96,670. Had you not transactions in the years 1881, 1882, 1883, and 1884, or some of them, with Mr. Biggar?—I find in our drafts on demand we gave him letters of credit on different branches in Ireland the same as we would to any stranger who came into our bank.

96,671. Can you give me any record of those letters of credit. You say you got your drafts on demand?—No, I have not the book here.

96,672. Who can give us that information?—I can furnish it to-morrow. I have not the book here.

96,673. Were there any other of Paris drafts, do you remember, which went through besides this one?—No, I do not.

96,674. What is the name of the gentleman who would be able to give us this list of credits which you gave on other branches to Mr. Biggar?—I can furnish that. If I had the book in my possession I could give it you at once.

96,675. I should like to have that information, if you please. As I understand Mr. Biggar requiring to draw money on the other branches requested you to give him letters of credit on various branches in Ireland?—Yes.

96,676. Which you did?—Yes.

96,677. Five or six of them or more, or what?—I only notice two.

96,678. Are you sure it was not more than two?—I cannot say more than two. I did not look.

96,679. What year was that in?—That was in 1871; previous to that.

96,680. 1871 or 1881?—That is the date of that draft.

96,681. That is 1881?—1881, I beg your pardon.

96,682. What time in 1881?—To the best of my knowledge one was in February and one was in April.

96,683. What was the amount?—That I cannot tell you.

96,684. That I shall get, I suppose, from the other gentleman?—Certainly.

96,685. Can you bring us that to-morrow morning?—Certainly.

96,686. If you do not mind making a note of it, there may be some other things I shall have to ask you. Had you known Mr. Biggar before he came and had these transactions with you in 1881?—No, I did not.

96,687. Was he introduced to you?—That I cannot tell, because I have not the signature book with me. I cannot tell who introduced him.

96,688. I thought you had it?—That does not go to 1886.

96,689. Was Mr. Biggar known to you as a customer of the bank long before 1886? You say you had given him cash drafts?—We do that to any stranger.

96,690. But was not Mr. Biggar known to you as a customer of the bank long before 1886? Do you remember?—I am unable to say whether he was.

96,691. If he had been a stranger to you you would have made bank charges against him, would not you, in respect of these drafts?—Yes.



23 July 1889.]

ROBERT JAMES MILLER.

[Continued.]

- 96,692. You did not, as a matter of fact, did you?—I cannot say.
- 96,693. You do not remember?—No, I do not remember.
- 96,694. Now, what was the account he opened. Did not you look to see whether or not you had made bank charges when you were asked this question about this before, only yesterday?—No, I could not tell.
- 96,695. Come, Mr. Miller?—I could not tell.
- 96,696. You could tell whether you looked or not?—I did not look, certainly not. The book does not show it.
- 96,697. Or did you give any direction?—No, I did not give any direction. I only received this notice about a quarter to four yesterday afternoon.
- 96,698. What was the account he opened on the 29th January 1886?—He opened an account in his own name.
- 96,699. Any other account since that?—Biggar and McCarthy.
- 96,700. Is that the same as the 29th January 1886?—No, it was opened shortly afterwards.
- 96,701. When was the Biggar and McCarthy account opened?—That I cannot tell. I have the signature book, the one in use now.
- 96,702. Then that you must bring to-morrow morning. I must ask you to bring it to-morrow morning?—Yes.
- 96,703. When did you first know Mr. Henry Campbell?—Mr. Campbell opened with us on the 13th of August 1887.
- 96,704. That was not my question. I asked you when you first knew him?—I did not know him before then.
- 96,705. You did not know Mr. Campbell before that?—I did not.
- 96,706. Had Mr. Campbell had any account before that at any of your branches?—I am unable to say.
- 96,707. Do you mean you do not know?—I do not know.
- 96,708. You do not know one way or the other?—No, I do not.
- 96,709. You have no information about it?—No, not at all.
- 96,710. Had Mr. Campbell any authority to draw cheques before he opened an account?—He had not.
- 96,711. Had any cheques of Mr. Campbell's been passed to any other account?—Not that I am aware of.
- 96,712. Do you mean you do not know?—No, I do not know.
- 96,713. Have you a transfer account book?—No.
- 96,714. You do not keep one?—No.
- 96,715. Where do you keep a record of transfer accounts?—If I had an order to cash Mr. Campbell's cheque it would be in what we would call the customers' order book, and there is nothing appearing in that book for Mr. Campbell to sign anyone's account except his own.
- 96,716. Supposing any cheques of Campbell's or cheques drawn on an account to the credit of Campbell were paid to another account of yours not in his own name, what book would that appear in?—That would appear in the customers' order book.
- 96,717. Have you got that?—No.
- 96,718. I must ask you to kindly produce your customers' order book if you will to-morrow?—Certainly.
- 96,719. It must be looked through?—Certainly.
- 96,720. As I gather you say Mr. Campbell had no account himself up to 30th August 1887. Is that so?—It is so.
- 96,721. When did Mr. William Redmond open an account?—That I cannot say till I refer to our other signature book.
- 96,722. Well, I am exceedingly sorry. I do not want to have the trouble of putting questions which you say you cannot answer?—Mr. Redmond's name is not mentioned at all here. All the information I have to bring refers to Messrs. Biggar, Campbell, and Healy. I have nothing about Mr. Redmond at all, or I should have brought the information.
- 96,723. You mean to say that was a specific matter to which you would direct your attention?—Yes.
- 96,724. Have you the securities book?—Yes. Whose account do you want?
- 96,725. Mr. Biggar's, please. Has that account of Mr. Biggar's been an overdrawn account?—It has.



23 July 1889.]

ROBERT JAMES MILLER.

[Continued.]

96,726. All the time?—Not always, no.

96,727. Principally?—Frequently.

96,728. I said principally?—Yes.

96,729. Would that give the security at the opening of the account?—No, the securities were lodged on the 13th April 1886.

96,730. That would be three months afterwards. You gave the 29th January 1886?—Yes.

96,731. What I wish to know is, does that enable you to say whether Mr. Biggar had been a customer of the bank before?—No, not in any way.

96,732. I must have the other books before I can tell that?—Yes.

96,733. Do you make any special entries of any persons who are authorised to sign cheques on other persons accounts?—Yes, that is in the customers order book.

96,734. Then that I must ask you to bring for me to-morrow morning, please?—Yes.

96,735. That is all I ask you at present. You will bring those books for me to-morrow morning, please?—Yes.

96,736. I must ask you please to give me the actual date, to fix the date when those books were destroyed or ordered to be destroyed, the orders?—Yes, I will try.

96,737. What is your recollection of it now?—It was somewhere in March I know. I will ask the cashier who saw the deputy chairman upon the subject.

96,738. Were the orders in writing?—No, it would not be. I sent a verbal message in.

96,739. One the 12th March had an investigation been commenced into these books on behalf of the "Times"? When was the date when examination of these books commenced on behalf of the "Times"?—That I am unable to say.

96,740. You remember the gentleman coming?—Yes, I recollect his coming some time this year—in the early part of the year.

96,741. I will ask you kindly to be prepared to-morrow to fix the date of the order and the date when they first came. I can assist you, I daresay?—Yes.

JOHN LLEWELLYN WHELAN SWORN; examined by the ATTORNEY-GENERAL.

96,742. Are you a general manager of the Broad Street branch?—Manager of the head office of the National Bank.

96,743. Is that the office at which Mr. Parnell's account was kept?—It is.

96,744. When had Mr. Parnell first an account at the National Bank?—Many years ago; six or seven years ago.

96,745. Just give me the date?—I have no date before me.

96,746. Cannot you give me the date now? You cannot give the date now, can you?—I was told not to bring any books of that nature here.

96,747. Will you produce the signature book, please?—We have not the signature book of the head office here.

96,748. You were subpoenaed to produce it. "Mr. J. L. Whelan, manager, head office, National Bank, Limited, the signature book"?—We are told to produce signature book relating to certain accounts in this subpoena. Not one of them are at the head office, so I have not brought the book with me.

96,749. You are asked to procure the signature book of the bank from 1879 to 1880?

(The President.) I understand the witness to say that it is not kept at the chief office.

(The Attorney-General.) Yes.

(The Witness.) The signature book relating to the accounts in this subpoena is not kept at the head office.

96,750. Look at your subpoena. I have it here. Second paragraph, second page, you will find signature and securities book of the said bank for the same period?—There must be some misunderstanding about the subpoena; you asked me to look at it.

96,751. Just look above the words "the ledger." The last three lines of ink from the bottom?—"The signature and security books of the said bank for the same



23 July 1889.]

JOHN LLEWELLYN WHELAN.

[Continued.]

period." I assumed it to relate to these accounts of which not one of them is at the chief office.

96,752. It seems to me you had no right to assume it?—It can be produced to-morrow morning if you wish.

96,753. If you please. Had Mr. Campbell any account on your branch?—None whatever at any time.

96,754. Did you know Campbell's signature?—Not personally.

96,755. I did not mean personally, but was it a signature known?—He was known as the endorser of cheques, from time to time, at our bank.

96,756. Were any cheques drawn to Campbell paid to any other account?—I do not follow you.

96,757. Were any cheques drawn to Campbell paid to the credit of any other account?—Not within our knowledge.

96,758. Have you such a thing as a transfer book in your office in Broad Street?—Oh, yes, many.

96,759. Transfer accounts?—Many such.

96,760. Have you the transfer account for that period?—1879?

96,761. 1879 to 1888. You have not it here, I presume?—No, I have brought no books here.

96,762. That simplifies matters. I should like you to ascertain by to-morrow morning, if you can, so as to save the trouble of bringing the book, whether any cheques of Campbell's were paid to any other account?—We never honour the signature of Campbell at the chief office in Broad Street.

96,763. I am speaking of cheques drawn to him as payee which were paid to any other account at the head office?—We should keep no record of that at all for any account.

96,764. Can you tell me when Mr. Biggar first opened any account in any branch in Ireland?—No; I have no knowledge of these accounts at all. That would not come within my province at all.

96,765. Were you communicated with at all about the destruction of the books?—No; I only know as branch manager that periodically every four or five years books are destroyed. They accumulate by hundredweights and tons.

96,766. When did you last have any periodical destruction of yours at the chief office?—About two years ago at the chief office some four or five tons were cut up.

96,767. Have you cashed any remittances that have come from Paris to any of these accounts, Mr. Biggar's or Mr. Campbell's, through your branch?—No.

96,768. I understand yours is not the head office of the bank; it is the head office in London?—It is the head office of the bank.

96,769. The head office of the bank and the head office in London?—It is both.

96,770. In the head office you do not keep any record of all the customers you have; simply those that are kept at the London branch?—Simply those that are kept at the London office.

96,771. Had you any remittances from Patrick Egan?—Never, to my knowledge.

96,772. Or correspondence with him?—Never.

96,773. Who would have the correspondence if there were any letters came from Patrick Egan?—If it related to money matters it would come into my charge or my predecessor's, as manager.

96,774. How long had you been there?—Two years and a half at the head office.

96,775. Who would be able to tell me of any correspondence with Egan respecting money matters prior to your being there?—I have inquired, but there are none.

96,776. You have no record?—No record at all. I have made careful inquiry of all the officials.

96,777. I want to know what is your practice about cheques, do you return them or keep them?—Return them always in the pocket of the pass book to the customers.

96,778. So that all the bank cheques are kept?—It is the invariable custom to put them in the pocket of the pass book and return them to the customer.

96,779. Always?—Yes.

96,780. Even in the absence of directions they are always sent back?—Always.

96,781. Had any of the members of Parliament accounts at your London head office besides Mr. Parnell?—Not to my knowledge.

96,782. You have looked to see, have you?—I have looked to see.



23 July 1889.]

JOHN LLEWELLYN WHELAN.

[Continued.]

96,783. Or any account upon which they could draw?—None, to my knowledge.

96,784. You would be able to obtain that accurately when you bring [the signature book for me to-morrow?—Certainly.

ALGERNON TATHAM sworn ; examined by the ATTORNEY-GENERAL.

96,785. Are you solicitor to the National Bank?—My father is the nominal solicitor.

96,786. When was the first communication made to you about the inspection of the National Bank books ; was it in the month of November last year?—It was when the first order was made for the inspection of certain books relating to Egan, and Rorke, and others. If you will give me the date of the first order it was about that time.

96,787. That was 17th September, if I remember right?—Yes, it was about that time.

96,788. I think you have inquired into the matter of what accounts there are kept, have you not?—I have.

96,789. Have you confined your inquiries to the Charing Cross branch?—No.

96,790. To all branches?—Neither. I have inquired with relation to the head office, and the Dublin and the Charing Cross.

96,791. Why to those three only?—I beg your pardon. There is one other, Castleisland, because there was one account which you referred to which was kept at the Castleisland branch.

96,792. I want particularly to get this clearly from you with reference to certain questions I have to put. Do I understand you to say no requests have been made to you to ascertain whether they had accounts at other branches?—Yes ; positively no such request has been made. Here is the form of the request which was addressed to me. It was in writing. I took a copy of it at the time.

96,793. What is the date?—The date when I attended before Mr. Cunynghame? I forget when that would be.

96,794. (*The Secretary.*) That is much later?—This is the inquiry :—

“ Whether there are in the head office, the Charing Cross branch, or the  
“ Dublin office of the National Bank, any accounts of the Land League of Ireland,  
“ Ladies’ Land League, or Land League of England or Ireland, or any accounts  
“ drawn upon by any of the parties charged, a list of which was delivered in the  
“ particulars, either severally, jointly, or by procuration, and if so, what are these  
“ accounts? ”

That was the inquiry.

96,795. (*The Attorney-General.*) I do not complain at all at present. I understand you have not inquired with reference to the other branches?—I have not.

96,796. Have you furnished a list of the accounts that you have discovered?—Yes.

96,797. Have you got it there?—No, I have given it to Mr. Cunynghame.

96,798. Tell me, unless you have a copy of it?—I do not think I have even a copy of it.

96,799. I wish to see that I have got them correctly?—It was referred to in letters on, I think, the 10th and 11th and 12th June. Possibly I may help you from another source in this way. Upon that inquiry being addressed to me I reported it to the bank, and inquiries were thereupon addressed to the managers of those three branches, and I hold in my hand here the replies which were sent by the managers of the branches, and those formed the materials of the answers that I gave to the Commissioners.

96,800. Will you give me the replies, please?—These are the replies from the managers to the secretary of the bank.

96,801. This is Mr. Miller’s, as I understand :—

“ In reply to your letter of the 5th instant, I beg to inform you that we  
“ have no accounts in names of the Land League of Ireland, the Ladies’ Land  
“ League, or the Land League of England, nor have there been any such accounts



23 July 1889.]

ALGERNON TATHAM.

[Continued.]

“ since 1879 ; but we have a joint account in names of Justin McCarthy and  
 “ J. G. Biggar. Also small private accounts in names of the under-mentioned  
 “ gentlemen.”

Then you give a list of the names of private accounts which I do not wish to ask you about at present?—Certainly.

96,802. Did you ascertain or endeavour to ascertain whether or not there were any accounts in other names upon which those gentlemen were entitled to draw?—Yes, I did. You will observe the first letter does not answer the first part of the inquiry. I thereupon requested that the manager of the branch should write a supplemental letter to answer that part of the inquiry, and there is the supplemental letter before you now.

(*The Attorney-General.*) Referring to your special letter of the 8th instant.

96,803. Have you got your special letter there?—It is not my special letter. It is Mr. Simm's special letter. That is a letter to Mr. Simm?

96,804. Yes. Have you Simm's special letter there?—No, I have not.

96,805.—

“ I find that there was one other account (T. P. O'Connor and Jno. Brady) on  
 “ which Mr. O'Connor used to sign cheques up to November 1887. He then  
 “ appointed Mr. J. F. X. O'Brien to sign in his place. From a letter dated  
 “ November 1887 I notice that Mr. O'Connor called it the Irish National League,  
 “ but we only recognise the account, first, as 'O'Connor and Brady,' and then  
 “ 'O'Brien and Brady.' ”

This and the other account mentioned in my letter of 7th instant are the only ones on which any of the parties mentioned by you have power to sign cheques?—Yes.

96,806. That is the reply with regard to Charing Cross?—It is.

96,807. Now with regard to the London office just give me the same answer, please. I wish to get it clear. What information had you respecting the accounts in the names of anybody at the London office—the head office?—That there were no accounts at the head office in the names of either of those who have been mentioned, or in the name of any of the parties charged, except the account of Mr. Parnell.

96,808. The one I have already referred to?—The one you have already referred to. Then I observed that that letter did not answer the part of the inquiry as to whether or not anybody had a right to draw. There was therefore a supplemental letter to this effect:—

“ Referring to our letter dated the 8th instant, we beg to supplement the  
 “ statement contained therein by saying that none of the 'parties charged' had  
 “ a right to draw either severally, jointly, or by procuration on any account other  
 “ than their own account.”

96,809. Then you also sent those communications to the Dublin branch?—Yes, I did.

96,810. Give me the dates of those, please?—The 7th and the 11th of June.

96,811. Just give me the information respecting the Dublin branches, whether there were any accounts there or not?—The only accounts that are here referred to are Mr. Joseph Richard Cox, Mr. William O'Brien, Mr. John J. Clancy, John Dillon, James J. O'Kelly, Mr. Thomas Mayne; and then there is also an account——

96,812. These are accounts of the Dublin branch, are they?—Yes, these are accounts of the Dublin branch.

96,813. Have you got the dates of those accounts?—Not of the accounts; no.

96,814. Not when they were opened?—Not the least. I have no information of those, and there has been no order made for the inspection of them in any shape or way.

96,815. Very well; I will just get the fact first, please?—There are those accounts I have mentioned.

96,816. What is the further information you have about that?—The further information is that the only one of the parties charged that has authority to draw on another account is Mr. T. P. Gill, on No. 2 account of Mr. John Dillon.



23 July 1889.]

ALGERNON TATHAM.

[Continued.]

96,817. There are two accounts of Mr. Dillon then, are there?—No; there have never been two accounts of Mr. John Dillon, open at the same time; but this is what I understand. I have no personal knowledge on the subject. I believe one account of Dillon's was closed some years ago and that this No. 2 account was only quite recently opened, and it is against that account Mr. Gill has a right to draw.

96,818. Did you make any inquiries whether or not any cheques drawn to Mr. Campbell had been paid to any other account?—No, I did not. It would have been impossible to answer the question, I should say.

96,819. Did you make any inquiries as to whether there had been any transfer of the accounts or accounts opened by transfer from the accounts of any of these gentlemen?—I do not quite understand what you mean.

96,820. As to whether or not there had been any sums taken from these gentlemen's accounts and transferred to the accounts of other persons?—No, I have not made any such inquiries.

96,821. Was your attention not directed to that matter until the subpoenas were served?—No, not in any way.

96,822. You say that?—Yes, to the best of my recollection.

96,823. When did you first know of any steps being taken to destroy any of the documents at the Charing Cross Bank?—I have a recollection that in the early part of this year I was told that they were going to destroy a great many books belonging to the bank, and I remember saying, I do not know that I could call it advising, because it was hardly sufficient, it was not sufficiently formal for that, but I said, "I suppose you will take care you do not destroy anything which might possibly refer to those accounts which you have been asked to produce," and they said no.

96,824. Who was that advice given to?—I can hardly charge my memory, but it was to some official of the bank.

96,825. You do not remember who or what branch?—Well, I should think it would be some official at the head office. I do not know.

96,826. Do you mean at the Broad Street office?—At the Broad Street office.

96,827. I should like you, if you could, to try and give me the name of that person?—I am afraid I cannot. I will do so if I can, but I am afraid I shall not be able to.

96,828. I want you to give me that information?—I would if I could.

96,829. Mr. James O'Kelly, I understand you to say, had an account with the Dublin branch?—Yes.

96,830. Had Mr. J. P. Quinn an account with any branch?—Apparently not. I am only now telling you the information I have received from the managers. I cannot speak from my own personal knowledge.

96,831. Mr. Edward Harrington?—Unless they are included in that account.

96,832. It is no good my putting the question unless it is included in those?—Not the least.

Mr. WILLIAM GEORGE SIMM recalled; further examined by the ATTORNEY-GENERAL.

96,833. I want you to look at this cheque of Mr. Timothy Harrington's, drawn to Mr. Edward Harrington, April 1887. It is crossed "National Bank, Charing Cross Branch." Would that indicate there was an account of Mr. Edward Harrington's at the National Bank, Charing Cross Branch?—That I cannot say.

96,834. Do not you know sufficient about it?—No; I know nothing connected with the banking department. I am in the secretary's department at the head office, where I have always been, and I know nothing connected with any of the branches.

96,835. Who would know about that?—Mr. Miller, of course, at Charing Cross.

96,836. Then I may be allowed to ask him that to-morrow when he brings that book. In whose custody was the correspondence?—At the head office?

96,837. Yes?—In my custody.

96,838. Was there a record kept of letters received?—Certainly.

96,839. Have you a received letter book during the years 1879 to 1887?—Part of the time, no doubt, we have.

96,840. Have your documents been destroyed at any period?—Yes; they are destroyed every four or five years, just the same as the rest of the branches.



23 July 1889.]

WILLIAM GEORGE SIMM.

[Continued.]

96,841. Have you no record of letters received which are not destroyed?—I do not follow.

96,842. Have you no record of letters received which you keep perpetually? You destroy that periodically as well?—Certainly.

96,843. Can you tell me how far back the present letters received book goes?—I cannot without reference.

96,844. Can you tell me whether there were any letters received from Mr. Patrick Egan?—Not at the head office, certainly not.

96,845. You have looked to see, have you?—Yes.

96,846. Back to what period?—I am certain none came from Patrick Egan which would come before me.

96,847. Up to what period?—Up to the present moment.

96,848. Back to what period? Will you undertake to say there were no letters from Egan in 1881 or 1882?—Certainly.

96,849. None at all?—None at all.

96,850. You have looked to see that?—Yes, and from memory as well.

96,851. Do you mean to say you can recollect every letter?—The greater portion, because Patrick Egan is at the Dublin branch, not at the London office at all. It is in the Dublin office. Patrick Egan. I have got it here. We have a telegram.

96,852. Has Egan an account at the Dublin branch?—When this subpoena was served upon me last night at 4 o'clock I immediately telegraphed over to our Dublin manager to send over all the letters that he might have, or correspondence of Patrick Egan, and this is the reply that we got at 6 o'clock last night:

“ Secretary, National Bank.

“ Will make search for Egan's letters. Believe we have none. Cannot go to-night.”

96,853. That is all you have at present?—That is all we have at present.

96,854. Has Patrick Egan had an account at the Dublin branch?—That I cannot say.

(Mr. T. Harrington.) There was an engagement that this would be no disclosure of private accounts, and now for the first time a cheque of one brother to another has been mentioned in public court without any reason being given. I have no objection to any cheque of mine to my brother being examined, but after the assurances——

(The President.) It does not disclose any transaction.

(Mr. T. Harrington.) No, it does not disclose any transaction and will not, but it is not a proper thing to bring forward a cheque in public without giving any intimation.

(The Attorney-General.) Mr. Harrington handed these to Mr. Cunynghame himself as a matter of fact.

(Mr. T. Harrington.) No, I did not hand them to Mr. Cunynghame myself, most unquestionably not. That statement is not accurate.

(The Attorney-General.) Well, I am so instructed.

(Mr. T. Harrington.) I will hand him every cheque I have.

(The Attorney-General.) The evidence I propose to offer respecting the books I request your Lordship not to compel me to commence till I know that every witness has been forthcoming. I shall not waste any time upon the matter.

(The President.) Have you anything more to go on with?

(The Attorney-General.) Only this. I ought to redeem a pledge I have given your Lordship. After Mr. Parnell's cross-examination your Lordship requested that we would provide you with information as to what was the character of the publications in the “Irishman” prior to the time of its being purchased and its passing under the control of Mr. O'Brien. I undertook, not knowing then that we should be in the present position, that they should be supplied. In the first place the files of the “Irishman” are at your Lordships' disposal; that is to say, you can see the paper itself for the years 1879, 1880, and 1881 up to the time of its being purchased. We had taken out and were prepared to put in when it came to the proper time a series of the articles running from the 9th of November 1878 down to the 9th of July 1881, that is to say, specimen articles for the period of the two years and a half before the purchase. Of course, we are in this technical difficulty. Strictly speaking, we ought to produce each paper and show



23 July 1889.]

WILLIAM GEORGE SIMM.

[Continued.]

it to your Lordship before we hand in each slip, because of course we have nobody who can consent to the slip being used. What I was going to suggest to your Lordship was that we should hand these in and your Lordship should direct Mr. Cunynghame to see whether they are verbatim extracts from the paper and then they should be printed afterwards. If your Lordship thinks I ought in public court to give the dates and the article I could do that.

(*The President.*) Have not you got them upon your slips?

(*The Attorney-General.*) I have.

(*The President.*) Then that will appear.

(*The Attorney-General.*) I merely meant I ought to give notice to all concerned that I propose to hand in those particular articles, and the actual files of the "Irishman," of course, can be produced to verify them.

(*Mr. Parnell.*) Of course, my Lord, I am not a lawyer, and there are a great many strange things known to the law which are not known to the non-legal mind.

(*The President.*) That observation you need not make.

(*Mr. Parnell.*) I wish to ask your Lordship whether I am to understand that articles written in the "Irishman," a paper hostile to us, and not representing our views, prior to our purchase of that journal, one of the reasons for which purchase was that it was hostile to our views, are to be used in evidence against us?

(*The President.*) As Mr. Parnell is not represented by counsel, I will state quite clearly what my reason was for calling for the "Irishman" of a date anterior to its purchase by Mr. Parnell. I wished to see what the character of the articles was before, in order that I might judge of the change, if any change there was, in the objects apparently aimed at by the conductors of the newspaper respectively before and after its purchase. That was called for by us on our own account and we should have had the task of wading through the articles for ourselves if we had not been supplied with slips. I shall give that direction that has been suggested, unless those who are interested in the matter, Mr. Parnell and others, think fit to do as their counsel have done while they were here, examine the papers that are proposed to be put in.

(*The Attorney-General.*) Might I be allowed to say I was only rising to say I would hand to Mr. Parnell and also to Mr. Harrington, although of course they are not represented, the copies of the slips that they might themselves check them, so that there should be no suggestion of their being handed in without their examining them.

(*Mr. Parnell.*) But I understand, my Lord, that the desire of your Lordships is to examine the newspaper in order to see whether there was any difference between the character of the newspaper before purchase and after purchase?

(*The President.*) Yes.

(*Mr. Parnell.*) The Attorney-General now proposes that he shall select certain articles and hand in to your Lordship.

(*The President.*) No; what he has proposed to do is this: of course it would be absurd to bring to our notice articles which had not any bearing upon this subject, such as a discussion about some mercantile question or other. He proposes to call our attention to articles which have a bearing upon this matter. You had better take it and look at it, or some of those who are associated with you, and see whether you wish to call our attention to any other articles, or whether you have any objection to the selection the Attorney-General makes.

(*The Attorney-General.*) It is necessary I should make this statement. I have never suggested that Mr. Parnell or his party were responsible for what appeared in the "Irishman" in the first instance.

(*The President.*) I have stated that.

(*The Attorney-General.*) But in the course of cross-examination I put questions to Mr. Parnell and Mr. O'Brien specifically as to the character of the articles, and it was after that cross-examination your Lordship directed it.

(*Mr. Parnell.*) I humbly suggest that the selection of the articles should be made by your Lordship's direction, and not by the Attorney-General, for the purpose your Lordship has in view.

(*The President.*) I shall gladly avail myself of the assistance which the Attorney-General appears to be able to give me in guiding my eye to the various pages of the newspaper. Of course if there is anything which Mr. Parnell desires to call our attention to we shall of course pay attention to it.



23 July 1889.]

WILLIAM GEORGE SIMM.

[Continued.]

(*Mr. T. Harrington.*) My Lord, as well as I recollect the suggestion of your Lordship, it was not at all addressed to the Attorney-General; it was rather addressed to our side, and the request having been made, I think, to our side to submit to your Lordship articles that did bear the interpretation that we maintained at the time they did bear, I submit that it is not within the Attorney-General's right in the first place to give your Lordship his articles.

(*The President.*) They are not his articles.

(*Mr. T. Harrington.*) It was understood that by seeing the file of the paper you might gather by a very short glance what was the general tone of the newspaper before its purchase, but that articles should be selected and submitted to your Lordship was not, I think, understood by either side.

(*The President.*) It appears to me, for the reasons I have given more than once, that we should have a guide such as the Attorney-General gave us.

(*Mr. Justice A. L. Smith.*) Then, Mr. Harrington, you supply yours.

(*Mr. T. Harrington.*) Yes, I should be very glad to do so if we were beginning the inquiry, but we had hoped with your Lordship's direction we should have finished long ago, and to go into fresh examination of the "Irishman"—

(*The President.*) Of course you must go into anything which properly arises in evidence.

Adjourned till to-morrow at 10.30.

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*“Uncorrected Proof.”*

SPECIAL COMMISSION ACT, 1888.

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ROYAL COURTS OF JUSTICE,  
PROBATE COURT, No. 1,  
Wednesday, 24th July 1889.

(*Mr. George Lewis.*) My Lords, I have given notice to Mr. Moloney to be in attendance this morning, and he is here.

(*The President.*) Are you going to call any witness, or are you waiting for something?

(*Sir H. James.*) Whatever further evidence is to be placed before your Lordship will be of the briefest character, and we should prefer to give that evidence after Moloney has been examined.

(*The President.*) I understand he is here.

Mr. WILLIAM FREDERICK MOLONEY called and sworn.

96,855. (*The President.*) We have been told you can give us some information in relation to the Land League books and documents?—The only information I can give is the books I have given up. If you put any questions to me, I will see whether I can answer them.

(*The President.*) I have told you what I wish. I will leave it in the hands of Counsel. It is not advisable for the Court to ask questions.

(*Sir H. James.*) Your Lordship would wish me to understand.

(*The President.*) Yes.

Examined by Sir HENRY JAMES.

96,856. When did you first become an officer of the Land League?—I think about October 1881.

96,857. Just think; the League was suppressed in October 1881. You were there before that date, surely?—Well, only about a month before then. I was never actually an officer of the Land League at all; I took up the work. I was never actually appointed. I took up the work after Dr. Kenny's arrest, a month after that time.

96,858. Are you sure you had no connexion until after Dr. Kenny's arrest; were not you connected with the office before Dr. Kenny was arrested?—No; for a month before I was helping Dr. Kenny, but I was not officially appointed.

96,859. I do not know whether you are aware of the date of Dr. Kenny's arrest, but I am putting it to you as being the 25th October?—Yes, I am almost sure it was.

96,860. Is it your statement that somewhere about—taking it approximately—the 25th September you had no connexion with the Land League as an officer?—Even then I was not an officer of the League. I was an ordinary member only.

96,861. You had nothing to do with the work of the office?—Nothing whatever.

96,862. So you say?—Yes.

96,863. Did you attend at the office at all when you were a member before this date; I will call it the 25th September?—I attended the ordinary weekly meetings. I may sometimes have gone in on odd evenings, but not to work.

96,864. Were you a member of any Council?—Except at that time. I was elected a member of the Council a month or six weeks, and I only attended one meeting of the Council after its suppression.

96,865. Up to the time you have so spoken you did not attend the Council meetings?—No, certainly not.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

96,866. Had you any knowledge of the books in the office, say, in February 1881?—In February 1881? Oh, I had not; I knew nothing at all about them.

96,867. Am I to take it your knowledge which I wish to test begins about the date I have spoken of, the 25th September?—About September or perhaps a little earlier; in August it may have been, some time.

96,868. We are speaking now of what occurred eight years ago. I want to ask you the exact dates. I may take it as being a month or six weeks or two months before?—Exactly.

96,869. Who did you find at work in the office when you went there?—There were four or five clerks, Mr. Quinn, and there was Mr. Doriss, and there was Mr. Burton, and some others. I really cannot recollect just now.

96,870. First, as to Mr. Quinn. What position did Mr. Quinn occupy?—I think he was general clerk and assisting. He was assisting secretary, I think. I think he helped the secretary.

96,871. Mr. Moloney, go back for a moment. We have extracted—I will give you at once the information I have to put before you—we have extracted from “United Ireland” the account of the meetings which I am told are the Council meetings, the Executive meetings. One in January, two in March, three in May, one in June, one in July, one in August, three in September, and your name appears, I am told, in “United Ireland” as attending those meetings of the Executive Council?—In the year 1881?

96,872. Yes, it could not be afterwards?—I never attended a meeting of the Executive. I only attended one of the Executive meetings altogether, and that was after the suppression; those are the ordinary weekly meetings.

96,873. There may be some mistake as to the character of the meeting; we will get the newspaper, and I will ask you about it afterwards. I was asking you what position did Mr. Quinn occupy?—I think he was assistant secretary.

96,874. Who did you regard as being secretary at that time?—I think there was no secretary at the time.

96,875. You used the word “assistant secretary.” I gather from that that there would have been someone acting as secretary?—I do not think there was. I could not tell you who was acting secretary at the time.

96,876. Quinn was assistant secretary; what was Doriss?—I think Doriss took charge of the letter department. I may tell you at once I did not manage the office at all, so I could not account for it.

96,877. I only wish you to tell me exactly what you know; you mentioned a third name?—Burton.

96,878. What was his character?—Ordinary clerk.

96,879. Who were the other clerks?—I could not tell you now.

96,880. Was there a person named Phillips there too?—There was.

96,881. Was Harrison there?—He was only a short time—about a month or so.

96,882. Was there a Mr. Pearson there?—Yes, I think he was there.

96,883. And Mr. Tighe?—Who?

96,884. Mr. Tighe?—I do not remember him.

96,885. O'Donoghue?—I do not remember him there.

96,886. How many rooms did the Land League itself occupy in its offices?—Two.

96,887. Was the Ladies Land League in existence at this time?—Oh, yes.

96,888. Were those offices in the same house but a different floor?—Yes.

96,889. Who did you regard as being treasurer?—Of the Land League?

96,890. Of the Land League itself?—Oh, Mr. Egan I regarded as treasurer.

96,891. Had you no acting treasurer in Dublin?—Dr. Kenny.

96,892. The banker was the Hibernian Bank?—Yes.

96,893. Of course there was a cheque book and counterfoils of cheques in the office?—Oh, yes.

96,894. Did you keep the letter book?—I had nothing to do with it.

96,895. When I said you, I beg your pardon; was there a letter book kept?—I do not know; I do not think so; I never saw one; there might have been.

96,896. We know, Mr. Moloney—it has been proved—the correspondence was very extensive?—I should think so.

96,897. You know your branches, and you were receiving letters and reports. Who, in the first place, read the letters when they arrived?—That I could not tell you.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

96,898. Do think?—I have not the slightest idea of who read them. I was not in charge of the office at the time.

96,899. There were only two rooms?—Yes.

96,900. And for a period—we will take if you like six weeks—you were there?—I was not there at all for those six weeks.

96,901. What six weeks?—Any six weeks. I never took charge of the office; I went to the office every day for a week.

96,902. We are going back to a period when you said you were assisting in the office, the 25th of September?—I did not mean to say so, if I did, that I was assisting in the office; when you talk about the office you talk about dates, perhaps I went to the office once a week, or once a fortnight.

96,903. I am sorry if there is any mistake. You gave me a date which I will call approximately the 25th of September, as a time when you commenced to attend the office?—Not to attend the office, but assist Dr. Kenny as treasurer.

96,904. Did you go to render that assistance at the office?—Very rarely; it was at my own house, Mountjoy Square.

96,905. Did you sometimes go to the office?—I am sure I did not very often.

96,906. When you went there had you an opportunity of seeing what became of the letters received?—I did not, for I never went there scarcely before the evening or the middle of the day.

96,907. Did you see a mass of papers there?—There may have been papers lying about the desks, but it was not my business.

96,908. Were there books there?—I cannot say there were books.

96,909. Now, I will come, if you please, to the period when the Land League was suppressed; do you recollect the fact of the suppression of the League in October 1881?—Yes, I recollect it was; I do not know the exact date.

96,910. Do you know what became of the contents of the office of the Land League?—I do of the furniture; that furniture was all removed to my place, and a whole lot of No-Rent Manifestos.

96,911. What?—The No-Rent Manifestos; there was a tremendous pile of them there at the time, and the furniture.

96,912. Do you represent that nothing but the furniture was removed to your house, and the No-Rent Manifesto?—Not to my knowledge, and I sent back everything but the furniture, if anything did come, that very day.

96,913. We will go slowly; I have to ask you a good many questions—I believe you are married, and Mrs. Moloney's name is Kate Moloney?—Yes.

96,914. What was removed to your house, tell me again, and when was it?—I could not tell you the date, but it must have been about—I could not tell you—it was before the suppression, or the day after the suppression of the League—the first day or about there.

96,915. Did you live in Upper Sackville Street?—No.

96,916. The offices were in Upper Sackville Street; did you live in Mountjoy Square?—Yes.

96,917. Did you know anyone connected with the League who, in October 1881, were living in Blessington Street?—In Blessington Street? No; I could not say.

96,918. No one?—No one. Oh, yes; there was a Mr. Pearson living, I think, in Blessington Street.

96,919. Did you know of any of the contents of the Land League offices being removed to Blessington Street?—No.

96,920. None?—No.

96,921. Or to Mr. Pearson's?—Or to Mr. Pearson's. I heard there were after, but I had no knowledge of it.

96,922. Did you see such contents of the Land League offices as came to your house—did you see them arrive at your house yourself?—No, I did not.

96,923. Did you find them there?—I found them there when I got home in the evening.

96,924. Who had sent them, as far as you know, to your house?—I said, I believe, that I had a spare room, and they might send the furniture there. I would take charge of the furniture.

96,925. You said so?—Yes.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

96,926. To whom did you say that?—To whoever the clerks were in the office. I think it was Mr. Burton who got the things removed.

96,927. Where was it Burton said this to you?—Said what to me?

96,928. That the furniture could be sent?—It was I said it to Mr. Burton, or whoever it was; I am not sure who it was. I said it to whoever sent them. I heard afterwards it was. It was probably at the office I might have said it to him.

96,929. Was Pearson present at the time?—I do not think so. I am not quite sure if Mr. Burton—

96,930. I do not know if you know, Mr. Moloney. Do you know whether Mr. Pearson had anyone lodging with him at the time?—No.

96,931. You say you do not know?—No.

96,932. Whether any Member of Parliament was lodging at Pearson's at the time? Not to my knowledge, I do not; I heard Mr. Sexton lived up there.

96,933. In October 1881?—I could not tell you that.

96,934. I am confining you to a date?—I do not know.

96,935. Any gentleman may have lived there at any time; I am giving you now October 1881. You say you heard Mr. Sexton?—I could not say it was that period.

96,936. But some period, you do not know when?—No, I do not.

96,937. You knew, therefore, that what you call the furniture was coming?—Yes.

96,938. What became of it?—I kept it there until the National League started the following year, and it all went to the National League after.

96,939. Did anything else come to your premises—to your house—that you sent back?—Yes, all those No-Rent Manifestos.

96,940. What became of them?—I got a couple of floats that evening, and sent them all back.

96,941. What?—I got a couple of carts and sent them all back to the Land League offices.

96,942. Did you ever see—just think before you answer—did you ever see in your house any of the books or documents of the Land League other than these No-Rent Manifestos; think before you answer?—I think not—I am almost sure; they may have come up with the No-Rent Manifestos, but I think not; I do not think so.

96,943. Did you know of your wife Mrs. Maloney collecting from different clerks different documents which they had in their possession. Just think before you answer?—No, certainly not.

96,944. Where is your wife?—In London.

96,945. Did you ever hear she had done so?—No, and I do not believe she did so.

96,946. Neither did you hear of her calling at Phillips', or at any of the clerks, and collecting?—Oh, I am sure she called at Phillips, because Phillips was the only clerk at the time working.

96,947. What did she call at Phillips for?—Something in reference to the payments and the books.

96,948. Something in reference to what?—Payment and books.

96,949. Something in reference to what?—Something in reference to the payment of the accounts. Phillips was getting money at that time.

96,950. I will come to the money in a moment. Just tell me did you say payment something connected with payment and the books?—Something to do with the League at the time, whatever it was. I do not know. I cannot answer for her.

96,951. Did you know of anything being collected from anyone—any documents?—No.

96,952. You know you had been assisting Dr. Kenny as treasurer?—Yes.

96,953. Did you not ever know what became of the books or the documents belonging to the Land League?—I never knew of any documents except the documents which I have, which I gave up to Mr. Lewis here.

96,954. We will come to these books. You spoke of the No-Rent Manifesto. I am distinguishing between books perhaps wrongly—other documents—I meant by documents papers; did you ever know what became of the letters, or any documents in the Land League office?—No, I have not the slightest knowledge what became of them.

96,955. You have never heard?—I have never heard.

96,956. You never knew that your wife had any of them?—Never, and I do not believe she had.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

96,957. Now these books; where did you get them from?—Those books?

96,958. I understand they come from you?—Yes; well these two were started by myself and kept by myself the whole time, under my supervision.

96,959. Take them out as we go on that I may know (*four books were handed to the witness*)?—This book was started by myself, and kept under my supervision, that is D 2. D 4, that was started by myself, and kept and written up by myself; this book was written up by Phillips while I was there during that week, and this, D 1, came into my possession I expect after Dr. Kenny's arrest.

96,960. Give me your two; we will call them, what?

(*The President.*) I understand D 2 and D 4 are his?

(*Sir H. James.*) Yes, D 2 and D 4 are his. (*To the witness.*) D 1, is that Mr. Phillips'?

(*The Witness.*) D 3 is the one that was kept by Phillips.

96,961. Is this all your handwriting?—No.

96,962. I am speaking of the one kept by you, D 2?—There is some of my handwriting and some of Phillips', and the secretary; the bulk of it is Mrs. Moloney's.

96,963. First, take the earlier part of it; is that yours?—If you would let me see it. The front of it is mine—a little of the first page, D 2.

96,964. Give their Lordships the first date?—"October 13th. To cash 105l."

96,965. So far as that book [D 2] is concerned, let me be clear about it. There is no entry of any kind in relation to any dealings of the Land League in any way prior to October 13th, 1881?—No, there is not. October 13th is the first lodgment, but there are some cheques, I see, beginning on October 10th.

96,966. It is about the same thing; October 10th or 13th. Now take this book, which I understand you to say was kept?—That book was written up from a lot of old blocks and cheques whilst I was laid up some time. That book was all written up in about a week.

96,967. That is the impression we have been under. This was written up at one time from, I suppose, some documents or memoranda that were in the office?—No, I was laid up for a month in June or July 1881, and Dr. Kenny, after Mr. Egan left, told me that he had been so busy he could not attend to keeping proper entries of the financial portion. I said to him, "If you will send me any pass books or cheque books you have I will write it up for you." He sent me all he had, and from the pass books and cheques I made up those books for the first five or six months.

96,968. Probably it is my fault. I did not understand you. Your connexion then with work connected with the League even in this manner did commence a little earlier than the date we have been putting, September. This you say was in June or July?—Yes. He told me at the time he could not keep the books. I said, "Send them to me, and I will keep them up for you."

96,969. What did you do when he sent you these documents?—I made up those books for him up to the last cheque we had.

96,970. Whose writing is that, then?—That is all my writing.

96,971. (*Mr. Justice A. L. Smith.*) What is that?—That is D 4.

96,972. (*Sir H. James.*) Now, I think the date there is February 4th, is it not?—Yes, that is the first page.

96,973. (*The President.*) Is that what you made up for Dr. Kenny in June or July?—About June or July 1881, my Lord.

96,974. (*Sir H. James.*) Tell me again what material had you from Dr. Kenny to make up that book?—I had probably the old blocks of the cheques.

96,975. Cheques he drew?—Yes, and probably some returned cheques and the bank pass books.

96,976. Of course the bank pass book would show money paid into the Hibernian Bank?—Oh, yes.

96,977. In that book are there any entries relating to any money received by the Land League apart from the money that went through the Hibernian Bank?—Oh, no; nothing except that.

96,978. That seems then rather to be an account that would echo the Hibernian Bank account?—Exactly.

96,979. You took the cheques and the counterfoil cheques showing what Dr. Kenny had drawn?—Yes.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

96,980. And then you would take the pass book and see what the bank had received?  
—Yes, and I think I made the book balance with the bank pass books.

96,981. That is all?—That is all.

96,982. It would be nothing more than, as I have termed it, echo the bank pass book commencing February 4th, 1881?—Yes.

96,983. There is no attempt in that book of any kind to deal with the whole incomings and outgoings of the Land League?—There is for the time.

96,984. Except so far as it went through the Hibernian Bank?—Yes, but that was the only account we had.

96,985. The only banking account?—Yes.

96,986. There is no debtor and creditor account in that book?—There is debtor to the bank.

96,987. I speak of the bank account; but apart from the Hibernian Bank there is no debtor and creditor account?—Oh, no.

96,988. Just tell me where you got the material for that short account?—I must have got it, I suppose, from the blocks of the cheques and the pass books.

96,989. Just read what that is. I do not quite understand it (*referring to the last page of D 4*)?—

“February 10, 1881. To cash, 1,000l.”

Then on the other side:

“March 15th 1881. Relief Fund, 500l. March 30, do. do. 400l. June 4,

“J. E. Kenny in lieu of cheque debited to Dr. Kenny, in error, 100l.”

96,990. Did you take that from the Hibernian Bank?—I suspect so. I must have taken it from the blocks of the cheque books.

96,991. That is the drawing?—Yes.

96,992. Then did you find that a sum of 1,000l. had been paid in?—I must have from that.

96,993. That is the only material you had?—That is the only material you had.

96,994. Your idea is that appears in the Hibernian Bank account?—I should think so.

96,995. I think we have got that clearly enough. You know nothing about where that 1,000l. came from?—I had nothing at all to do with it. I merely wrote it up like any clerk would do.

96,996. Give me, if you please, the book which was kept under Phillips, the third book you mentioned. That is D 3. In the first place is that Phillips' entry?—es that is all Phillips' writing.

96,997. What is the first date of any entry there. Is it October the 10th, 1881?—Yes.

96,998. What did that show from October 10th? Did it show all the incomings and outgoings. Was it a regular cash account?—Yes.

96,999. Then so far, with the exception of the Hibernian Bank echo account, as I call it, we have no accounts produced of the Land League prior to the 10th October 1881?—I think not. I do not think there were any other accounts.

97,000. Now give me the last book, if you please, which you said you received afterwards from Dr. Kenny. Do you know whose handwriting this is (*referring to D 1*)?—I know some of the writing.

97,001. Whose is it?—Some of it is Mr. Brennan's. I do not know whose the other writing is.

97,002. So far as your knowledge goes?—That is all Mr. Brennan's writing.

97,003. Give my Lord the first date that appears there?—December 22nd, 1879.

97,004. At an early date, made by Mr. Brennan?—I do not think the first two or three entries are Brennan's, but all the rest of the page is (*page 1*).

97,005. All the rest except the first two or three entries?—Yes.

97,006. What is the last date on that page (*page 1*)?—The last date on that page is March 6th, 1880.

97,007. Then turn over to the next page. Whose handwriting comes into operation?—Still Mr. Brennan's.

97,008. Until what date?—January 17th. It is only written on one side. It would be January 17th.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

97,009. Tell me to what date Mr. Brennan's writing extends—unbroken if it be so—first?—March 5th, 1880, seems to be the last of Mr. Brennan's writing.

97,010. I have not looked at it myself. Do you say those entries appear to you to have been made day by day under their dates, or to have been made at one time. Brennan's handwriting I am speaking of?—I think they are written day by day, except the cash side debiting the bank. Those seem to be written up from some other book probably.

97,011. You have got the cash, have you not, for a whole half year upon one side?—Yes.

97,012. Do you represent that that would be put in altogether?—No; that may probably have been written in from some other book—some small bank book that might have been kept, and that portion written up at one time.

97,013. Do you know what capacity Mr. Brennan was placed in during these months, from September 1879 to March 1880?—I do not, except that I heard he was secretary.

97,014. According to your experience what would you call that book, so far as we have dealt with it. Would you call it a cash book or day book, or what would you call it?—I would call it a cash book.

97,015. Is it your idea that that book would represent the whole business transactions of the League during that period?—I think it would.

97,016. Does it show any daily cash receipts?—No, it gives certain entries from day to day, but they are not daily. They look as if they were made up week by week or month by month.

97,017. Give me the receipts. Are the receipts more than the bank pass book. I think this only shows the lodgments in the bank, surely?—Yes.

97,018. I am sure you will give me your business experience. These lodgments are lodgments, like some other people's lodgments; if they have anything to lodge, they take place once a week?—Yes.

97,019. That is the whole information. On January 14th, 922*l*; January 21st, 2021*l*. 0*s*. 6*d*.; January 28th, 736*l*. 16*s*. 11*d*. That is all the information that would appear in the bank book (*page 1, D 1*)?—Yes.

97,020. Then on the other side you have got, "By cheque"?—Yes.

97,021. That would appear in the bank book, too?—Yes.

97,022. We had a term, more or less happy, just now, "the echo of the bank book." That is the same, is not it?—Yes, except that gives all the particulars to whom the payments are made payable, which the bank book does not.

97,023. The bank book would give you the name?—I do not think so.

97,024. One is the numbers. I quite agree with you that was the Hibernian Bank. There is the name of the person translating the number?—Yes.

97,025. As to where the money came from there is no information?—No, except in odd cases here.

97,026. And for what purpose the cheque is drawn there is no information?—Oh, yes, I think so. I think it is quite clear here what the cheques were all drawn for.

97,027. Does that appear in the book?—Yes.

97,028. Give my Lords an instance?—"The Rev. W. Conway, Maam, 25*l*.; Rev. "Mr. Newell, Carraroe, 25*l*.; Rev. Mr. Conniaty, Rev. Flanning," and so on. Every cheque that is drawn gives the name, with place, of the parties that get them.

97,029. It gives the name of the person?—And the town or residence.

97,030. That is, you make very clear the payee?—Yes.

97,031. Beyond that there is no information?—Oh, no.

97,032. Looking at that, should you say that that was any account beyond the relief account?—No, it seems to be all for relief, and some payments for evicted tenants.

97,033. Point out to me where is the payment made on account of prisoners?—On account of prisoners in 1880? I do not think there were many prisoners in 1880.

97,034. Never mind about there being many?—I do not think there were any.

97,035. When does that book end?—I should have to look, for I do not know anything about this book at all. I should have to look it up for you.

97,036. Just look it up?—There are some entries here as late as March 23rd, 1881.

97,037. Up to that date, March 23rd, 1881, can you find any entry as to the defence of prisoners?—I should have to look over all the book to let you know that.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

97,038. I will not trouble you. I dare say we can find it for ourselves. My Lord, my question may have conveyed that there was no defence of prisoner account. Just turn to May 26th, 1880?—I cannot find any entry on May 26th.

97,039. What book is that?—Is it D 1?—Yes, I see May 25th and May 28th.

97,040. It may be supposed I suggest there is no entry for support of prisoners. I see there is a sum sent to Mr. Timothy Harrington, Tralee, defence of prisoners charged with assaulting process servers, and July 15th, Mr. Timothy Harrington, defence of prisoners, the two sums being respectively 6*l.* and 5*l.* Now, these are all the books you ever had?—Those are all the books I ever had to my knowledge.

97,041. Now Dr. Kenny, I understand you, gave you one?—Yes, it came into my possession at that time or after that time.

97,042. Where did the other three come from?—The other three, I told you, I created myself to a very great extent.

97,043. Were they ever left in the office or were they always kept by you?—I think they were always kept by me. This one might have been at the office with Phillips the short time he was there.

97,044. But were these books always at your house?—Yes.

97,045. Then these books are not book—swith the exception of Dr. Kenny's—which have been the books at the office?—There was no office at the time.

97,046. No, but before; I am asking you if they had ever been?—I do not think so. This book of Phillips' may have been there when Mr. O'Connor started the office newly for a short time. Those two were never, I believe, in the offices of the League.

97,047. Then all the books which have come from the Land League Office (I am speaking now of the Land League) are the two books you have produced, one of Dr. Kenny's and one that came from Phillips? Those are the only two?—Those are the only two.

97,048. We know what they are. The other two are from you?—Yes.

97,049. What became of these books after the suppression of the Land League; where have they been?—I have not the slightest idea.

97,050. Did you retain possession of them?—I never had them.

97,051. Those four books?—Those four books? Oh, yes, they have been always in my possession; at least they have been in my possession up to the time I left Dublin in 1886, and then my brother-in-law took charge of them and had them till I got the subpoena from Mr. Soames.

97,052. Give me your brother-in-law's name?—Macready.

97,053. You left Dublin in 1886?—I left Dublin in 1886.

97,054. Your brother-in-law then took charge of them?—Yes, and he had them until I got the subpoena from Mr. Soames, and I expected it was about the books he wanted, and I wrote to him to send me over everything he had belonging to me, and I found those four books amongst the others.

97,055. When did they come into your possession again after your brother-in-law had them?—About October last year, I think. I could not say the exact month, but some time about the latter end of last year.

97,056. Are those all the written documents of any kind and description you ever had, after the suppression of the Land League, belonging to the Land League or relating to it?—Those are all the books that I had, yes. I do not know what books I could have afterwards. I had the Parnell tribute books, and I had a whole pile of the National League books. Those are the only books I had after. Those are all the books he had in his possession belonging to me.

97,057. I am asking you of those four book. In respect to those four books, do they represent all documents of all kinds—I include papers, bound books, and everything else belonging to the old League?—Certainly.

97,058. Which you have had in your possession since its suppression?—Yes.

97,059. You are quite sure of that?—Quite sure.

97,060. Is this true. It is not stated as a fact, but I will call your attention to this which Mr. Parnell said. He does not say it is so, but he says, "I have heard that " after Mr. Malony's bankruptcy he left the country; he had to leave the country, " and that he directed that all the papers in his house should be destroyed; he had not



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

“ time to make any selection, and that the papers were destroyed. (Q.) Then that  
 “ seems fully to answer about it? (A.) That he had in his possession a number of the  
 “ letters and documents of the Land League, and that they were destroyed by his  
 “ orders when he left the country.” Had Mr. Parnell been correctly informed as to  
 those facts?—Most incorrectly. There is not a particle of substance for a word in  
 that. I never destroyed a paper nor gave orders for a paper or book to be destroyed.  
 I destroyed one paper two or three years ago. That was the only paper I ever  
 destroyed belonging to the Land League or National League, or gave orders to have  
 destroyed.

97,061. Then whoever informed Mr. Parnell of this (Mr. Parnell puts it upon some-  
 one else), you state positively it is not correct?—I state on my oath most positively  
 there is not a word of foundation for it.

97,062. You spoke of one document. What was that document?—It was the signa-  
 tures of the No-Rent Manifesto. I destroyed it about three years ago.

97,063. Now we have come to the close of the Land League. What became of the  
 business of the Land League after the suppression on the 18th of October. Who  
 carried it on?—Well, the office, of course, was broken up. It was not, you may say,  
 carried on at all. I carried on the financial portion of it.

97,064. In whose name was the banking account?—I could not tell you whether in  
 Dr. Kenny's or in mine at that time. I must have got authority to sign for the  
 honouring of all my cheques.

97,065. Who had power to draw cheques—I am taking now the period immediately  
 after October 18th?—Dr. Kenny and myself until my arrest.

97,066. Who gave you power to draw cheques?—I could not tell you now. I  
 suppose probably it may be Dr. Kenny told the bank, or perhaps Mr. Parnell might  
 have given authority.

97,067. Had you unlimited discretion?—I think so, for that month.

97,068. Did you transfer any moneys over to the Ladies Land League?—If I did it  
 will appear in that book.

97,069. I am just asking you first, please?—I am not quite sure. It would appear  
 in this if I did. If you like I will turn it up.

97,070. If you wish to refresh your memory, pray do?—(After referring.) No, I  
 cannot see any that I transferred to the Ladies League.

97,071. Tell me if this is correct. (I am referring to information which was placed  
 before your Lordship at page 3482.) Do you know that the account at the bank from  
 the 28th of October to the 13th December was in your name, W. F. Moloney and  
 Florence O'Keefe?—I am quite sure it was not.

97,072. No account?—There might have been some small account that belonged to  
 “ United Ireland.”

97,073. There was an account, but that would not be the full account of the Land  
 League?—It was nothing at all to do with the Land League.

97,074. Did you draw cheques in favour of your wife?—I do not think so. If you  
 show me any cheque I will tell you.

97,075. I put it to you entirely as a matter of business. Look under the date of  
 19th November. I will show you a great many afterwards. We have several  
 instances. Just look at that?—There is 10*l.* 7*s.* 0*d.* here.

97,076. Just look, please, at that, 19th November, first?—Yes, 10*l.* 7*s.* 0*d.* [D 2,  
 page 21.]

97,077. If you will go lower down, nearer the end of the page you will see a  
 payment, I think, of 68*l.* [D 2, page 21]?—Yes; there are three or four payments.

97,078. You made a great many such payments as this? You drew many such  
 cheques in favour of Mrs. Moloney?—I did not. I was in gaol all that time

97,079. Who drew those cheques? How did she get that money?—She drew it  
 herself.

97,080. How came Mrs. Maloney to draw her own cheques?—When I was arrested  
 she got authority to sign on behalf of the League.

97,081. These were not drawn, I understand, by your authority?—Oh, no.

97,082. Do you mean it was independent authority?—She got the authority from  
 Mr. Parnell at the time.

97,083. For what purpose was she receiving this money?—Well, I should say to  
 carry on the business of the League while we were all in prison.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

97,084. I am putting it to you, this is quite distinct from the Ladies Land League?  
—Yes.

97,085. We have the account of the Ladies Land League; did Mrs. Moloney carry on the business of that League?—She did so far as anything in this book is concerned.

97,086. You will not know, of course, the exact sum yourself, but I am putting it to you; the payments of Mrs. Moloney between November 19th, 1881, and April 18th, 1882, amounts to over 3,000*l.* Have you any account how that money was expended?—I have not; I was in prison, I tell you, at the time.

97,087. But can you tell us; we are dealing now with matters connected with your wife; was any account kept of the expenditure of this 3,000*l.*?—I could not tell you positively, but I can give you an idea of what was done with it.

97,088. You may explain if you wish?—My belief is that there were organisers all through the country at that time, and those moneys were taken by her to pay the organisers.

97,089. Surely some account was kept of the expenditure, was it not?—I do not know, I am sure; I had nothing to do with the League after I got into prison myself.

97,090. I have something more to say about these accounts, but I do not know whether you will know much more about them. When did you commence, if you did at all after, recommence to draw cheques?—I never drew any after until the National League time.

97,091. You have spoken of the time you were arrested; can you give me the date?—I was arrested about the 20th November, I think, or the 25th, I think about the 20th.

97,092. Did you ever after that time draw cheques at all?—No, not for the Land League.

97,093. I am not speaking of the National League now, I am keeping to the Land League. You drew no cheques for the Land League?—No, never after.

97,094. Did you, if I may use the term, “return to power” after, and draw cheques for the National League?—For the National League years after.

97,095. When did you recommence?—I could not tell you when I began to draw for the National League, but it must be some three years after—four years after perhaps.

97,096. We have it from the books that between October 21st, 1881, and November 23rd a sum of 478*l.* was paid to you, at least the items are not all paid to you but the great majority of them are payments, “Moloney, cash advanced Mr. Sheridan starting for Liverpool, 20*l.*”

(*The President.*) What is the date?

(*Sir H. James.*) That is under October 20th, I think, D 3.

97,097. I have here under D 3, folio 16, “W. F. Moloney, cash advanced Mr. Sheridan starting for Liverpool.” What was that for?—I suppose his expenses going over after the suppression of the League. I could not remember at this time what it was for.

97,098. Let me refresh your memory; did Mr. Sheridan go over in any way in connexion with the League books?—I believe he did, I do not know positively.

97,099. From page 2075 I will read this to you, Mr. Moloney. You shall know at once what I have in my mind. It is a letter from Mr. Campbell to Dr. Kenny:—

“Dear Sir,

“Your’s received. Mr. O’C. and Mr. Sheridan will proceed to London to-day. I will go by Liverpool and bring the books from there to Palace Chambers, and I also instruct the men at Liverpool to return to Dublin as you request.”

Reading that, which was the information we had, can you give their Lordships any information as to what Mr. Sheridan went to Liverpool for?—I cannot. I had nothing to do with his going.

97,100. Who directed you to give Sheridan 20*l.*?—What was the date of that 20*l.*?

97,101. This letter is October 18th, and this appears as an entry to the account for 29*l.* 4*s.* 7*d.*, particulars of that entry under date, and it is October 20th, which will refer, I presume, to the 29*l.* 4*s.* 7*d.* as drawn, the date when the cheque was cashed, and an account for that—

“Cash advanced. Mr. Sheridan started for Liverpool, 20*l.* 2,000 stamped envelopes, 9*l.* 0*s.* 7*d.* Telegram to Liverpool, 3*s.* Begnall’s Town, 1*s.*, making 29*l.* 4*s.* 7*d.*”

Have you any information to give us what Mr. Sheridan went for?—No.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

97,102. I have called your attention to this letter. Have you any idea what those accounts mentioned in Mr. Campbell's letter refer to?—No. I have not an idea.

97,103. Then there are other entries; you account for in all 44*l.* 3*s.* 10*d.* with the accounts given, "Mr. Moloney's expenses.—For W. F. Maloney Stinson going South, " 15*l.* Dismissed Warder, 5*l.* Hackett, 10*l.* W. F. Maloney and expenses, 100*l.* " Moloney, expenses, 42*l.* General expenses, Maloney, 58*l.* Maloney, 95*l.*" And the last entry I have here is the 23rd of November, which I suppose, from what you say, would be immediately before your arrest?—What date?

97,104. 23rd of November?—Yes, I was arrested either on the 20th or 25th of November, I cannot quite say, it must have been immediately before.

97,105. "General expenses, 30*l.*" Those general expenses were Land League expenses?—Oh, yes.

97,106. So the Land League was being carried on certainly in some way or other after its suppression?—Yes.

97,107. Until your arrest I see you were dealing with expenses, and you say Mrs. Maloney was paying organisers. Many documents have been put in bearing your initials, W. F. M. I want to know the course of business, what part you took, so as to cause your initials to go on those documents?—If you give me the dates—they must have been I expect about that month.

97,108. I will give you one of a late date, 4th of November 1881. I am quoting now not from the document itself but from the evidence, page 2038. I will read it to you:—

"RE BOYCOTTING CASE.

"DEAR SIR,

"Defend the parties and the League will contribute 2*l.* towards the expenses.

"Yours faithfully,

"William Doris."

He was the clerk you said who took charge of the legal business?—Yes, I think so.

97,109. Then on that account is "Passed, 2*l.*, W. F. M., 4th November 1881;" what was the course of business which caused you to put those letters on the document?—I suppose the letter came under my notice, and I signed the cheque for it. I can account for it in no other way.

(*The President.*) I see lower down on the page, "Pay 2*l.*, P. C. M." Who is P. C. M.?

(*Sir H. James.*) Mr. McGough, my Lord, I think.

97,110. Will you just tell his Lordship who would that be?—I have no idea who P. C. M. would be.

(*The President.*) It is very unlikely a man would transpose his own initials.

(*Sir H. James.*) I understand the initials of Mr. McGough are P. C.

(*The President.*) Mr. Cunynghame has explained it by reference to the next page. P. C. M. would be the beginning of the word "McGough." I was only in passing asking who it was; but this P. C. M. is appended to a letter to Mr. McGough, asking for 2*l.* He would not therefore say "Pay 2*l.*," it would be a receipt.

(*Sir H. James.*) Will your Lordship give me the page?

(*The President.*) Page 2038; but pray do not take time about it. It was only in passing I wanted to know who P. C. M. was, as distinguished from this gentleman.

(*Sir H. James.*) This is a letter your Lordship sees addressed by Mr. Clarke to P. C. McGough, Esquire, solicitor, Ormond Quay, Dublin.

(*The President.*) Yes; then it is written out, "Pay 2*l.*"

(*Sir H. James.*) Yes, but it goes on:—

"I have received a circular from Mr. P. Egan directing me to forward my  
"claims as secretary of this branch Irish National League for 2*l.* towards  
"expenses of a trial to be heard at Queen's Bench next Tuesday, for  
" 'boycotting.' Trusting you will let me have some as soon as possible,

"I am, dear Sir,

"Yours most faithfully,

"F. Seymour Clarke.

"N.B.—I enclose you a letter from Mr. Doriss."

Then Mr. McGough, who knew of this matter, seems to give a kind of voucher, and sends it up to the Land League, that comes from the Land League. Then I think,



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

Mr. Moloney, I need not ask you more about that; you seem to have passed accounts from time to time. We have you doing so in November. I will read you one:—

“November 5th, 1881.

“Dear Sir,

“Were it not for your letter and telegram”——

This is from a person named O'Brien——

“I would not have taken up the defence of the Armaduff men at last Leitrim

Assizes without having made them pay me in the first instance. The amount

“is not much, but I find that when money was to——”

then there is a blank——

“at Petty Sessions in this county coming from the same quarter I was thrown

“overboard, and others employed. I am quite sure you would be no party to

“see me humbugged and laughed at, and I trust you will see me paid 5*l.*, my

“costs in this matter.

“Yours truly,

“Robert O'Brien.”

That is addressed to Mr. McGough under date 5th of November, endorsed on it “Passed 5*l.*,” it is printed W. J. M.” I presume that is W. F. M., it is W. F. M., I have the document. First tell me, did you have to consider and bear the responsibility of determining whether 5*l.* should be paid or not?—I do not think so. I think I would take it, if Mr. McGough sent for a cheque, as being in the way of legal expenses.

97,111. You have written the word “Passed.” Without some such counter signature from you this money would not have been paid, I presume?—I think I must have passed it myself.

97,112. Do you know who the Armaduff men were?—No, I have not the slightest idea.

97,113.

“I would not have taken up the defence of the Armaduff men at last Leitrim

“Assizes without having made them pay me in the first instance.”

That represents nothing to you of the nature of the crime, or when the trial was?—Nothing. I probably got a letter from Mr. McGough to pay him 5*l.*, or whatever the amount would be, and upon his application I would pay it.

97,114. It may be as you say, but have you a copy of any letter from Mr. McGough to you. I think it may confirm something of what you say?—I only give you this as my impression. I cannot recollect so far back.

97,115. (*Sir H. James.*) My Lords, I am reading from a written document; in the documents that we have—the print of the written documents rather—there is endorsed upon it, “Pay 5*l.* 8*s.* 11*d.*” That is the 8th November, I suppose it would be 1881. “H. C. M.” I presume that means P. C. M. Probably that was sufficient certificate for you to pay?—Yes, if McGough sent it to me for costs.

97,116. Just look at that; that is a letter he wrote to you; you see the little memorandum at the top is “Pay 5*l.*”?—Yes, that is Mr. McGough’s writing.

97,117. I want to know from you the course of business; would that be sufficient voucher to you to pay 5*l.* out of the Land League funds?—Certainly, at that time.

(*Sir H. James.*) Will your Lordship allow me to hand that document in for one moment?

[The document was handed to the learned Judges.]

(*The President.*) Yes, I have seen it.

97,118. (*Sir H. James.*) The point I am upon is that on McGough’s saying, “Pay 5*l.*” You knew that sum was going for the purposes of the defence of the Armaduff prisoners, and you paid that?—I did not probably know that. I did not bother to know what it was going to.

97,119. But here you have this letter before you:—

“Were it not for your letter and telegram, I would not have taken up the

“defence of the Armaduff men last Leitrim Assizes without having made them

“pay me.”

And then there is “Passed 5*l.*, W. F. M.”?—Yes.

97,120. That is all the information you had?—That is all the information I had.

97,121. I have a good many other documents all passed by you, but I do not know that I need go through them. You did, under circumstances similar to those



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

which appear by that letter I put in, pass payments certainly to McGough and others?—I do not say to others unless you show me the letters.

97,122. It will do for me to Mr. McGough. I think we have some others. Just see if those are your initials [*handing a letter to the witness*]?—Yes, those are my initials.

97,123. And then just see that; there is another solicitor; are those your initials [*handing another letter to witness*]?—Yes, I think so.

97,124. Then, Mr. Moloney, I may use the words “and others,” I think?—I do not think I ever passed this coming from Mr. McGough. I do not know what that would be.

97,125. You see there are the particulars there—the whole particulars above your signature?—Yes, but that letter may have been with a letter from Mr. McGough to me, which I think is very probable.

97,126. There you have some information because you have the account?—Yes, I do not think I would bother about reading the account. I was very hard pressed at the time. I do not remember reading the letter.

97,127. You signed immediately below the bill, you know?—Yes, I signed “Passed.”

97,128. Did you know who passed these accounts before you took upon yourself the duty?—Except Mr. McGough.

97,129. I mean passed accounts coming to the Land League offices?—There were no offices at all at the time.

97,130. I say before you took upon yourself this duty?—I do not, the executive; I should say.

97,131. Of which body Mr. Ferguson was a member?—I think he was.

97,132. You never acted upon the executive yourself, did you?—One meeting after the suppression of the League, I think, or rather after Mr. Parnell’s arrest, that was the time.

97,133. Did the executive exist as an executive after the suppression of the League? No, until after Mr. Parnell’s arrest.

97,134. There were a few days?—I think it was between the 13th October, when Mr. Parnell was arrested, and the 18th—is that the date you are speaking of?—Yes, it was called together immediately after his arrest, on the day of his arrest.

97,135. Who were the executive after Mr. Parnell’s arrest?—I think there were only three or four at that meeting. I know Mr. Dillon and Mr. Arthur O’Connor were there. I recollect those two. I think Dr. Kenny.

97,136. I have asked you before, but I would like to know who was it that delegated to you the power of drawing the cheques and passing these accounts after the suppression of the Land League?—I could not tell you whether it was Dr. Kenny left the authority at the bank or not, or whether it was Mr. Parnell.

97,137. But one or the other?—I should think so. It would be one or the other.

97,138. We know from these books that large sums were drawn in favour of the Ladies Land League; the accounts show it?—I have looked over it, and I do not see one.

97,139. Did you draw cheques in favour of the Ladies Land League?—I cannot find one here.

97,140. Who was drawing cheques during your arrest in the month of March 1882?—Mrs. Moloney, I think.

97,141. I mean, had she power to draw such large cheques as 3,500*l.*, or any cheque could she draw?—She could draw any cheques that were necessary at that time by direction. I do not think she would draw such a large cheque as that.

97,142. I should like to know who it was dealing with this matter. We have cheques in this book. The first is November 18th, 1881, cheque, “Lent ladies 75*l.*”—that would be before your arrest?—That is “Lent ladies.”

97,143. Yes, “Lent ladies, November 24th, Miss Parnell, ex.”—I suppose that means expenses—“200*l.*; March 10th, Miss Parnell, O’Leary, and Stretch, 3,500*l.*; June 10th, “A. Parnell”—I suppose that is Miss Anna Parnell—“Miss Stretch, O’Leary, expenses, 2,500*l.*; A. Parnell, C. Stritch, O’Leary, for expenses, 2,000*l.* Then, transfer to “Sackville Street to close account, 2,309*l.*” Can you give me any account that will tell us how we can obtain information as to the purpose to which this money was devoted?—No, I cannot. As I told you before I was in prison all that time.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

97,144. Is it your belief that your wife drew those cheques?—If you show me that book—I cannot say whether they are credits or cheques—they might have come direct.

97,145. I am afraid those will not help you if you ; saw the cheques, you would know. I am told all those entries are in Mrs. Moloney's handwriting?—Yes. This looks like a cheque that would be paid from the Men's League over to the Ladies League.

97,146. Then those entries are in Mrs. Moloney's handwriting?—Yes.

97,147. Where was Dr. Kenny at this time, in or out?—I think he was in Kilmainham. I do not know whether he was so late as this. This was May.

97,148. I think we have it that Dr. Kenny came out on the 8th February 1882. I am calling your attention to cheques drawn on the 10th of June, 10th July, and the 18th July. Can you give me any explanation why Mrs. Moloney was drawing cheques from what you have termed the Men's Land League, and passing them over to the Ladies Land League?—The only explanation I can give is that there was no Land League, and that the Ladies Land League was working and carrying on the business that there was to be carried on, and those cheques were paid to the Ladies' Land League.

97,149. There were funds belonging to the Land League, and you had a treasurer who was not in custody; why should not the treasurer draw the cheques himself?—I suppose he ceased to be treasurer after the suppression. He can give you the explanation. I cannot.

97,150. Why was there power given to Mrs. Moloney to draw?—Because there was nobody left.

97,151. There was Dr. Kenny. He was released in February 1882?—Yes, but she got power in October.

97,152. He was at large when this large cheque, a sum of 3,500l., was drawn—Dr. Kenny had been out of custody five weeks?—But I was in custody then.

97,153. I only ask you if you have any explanation why it was your wife continued to draw these large cheques when Dr. Kenny was at large?—I am sure I can give you no explanation at all about it.

97,154. Mr. Moloney, I understood you to say that the only document you ever received was the No-Rent Manifesto?—What I said was that I recollect I did not believe any books were sent up, I returned everything except the furniture.

97,155. You told me your recollection was there was no document but the No-Rent Manifesto?—That is my recollection.

97,156. You say you had no other documents?—Not to my knowledge; there may have been a lot in a basket, but I returned everything but the furniture.

97,157. That is not the point about your returning everything but the furniture; the point is, you returned no documents but the No-Rent Manifesto?—If there were documents they would have gone back with the No-Rent Manifesto.

97,158. To whom did you return them?—To the Land League office again.

97,159. Do you know the handwriting of a person named John Butterfield?—No, I do not. I know there was such a man, but I would not know his writing.

97,160. See if that will refresh your memory (*document handed to the witness*)?—I would not know whose handwriting it would be.

97,161. Take the first page and look at the first page; if you do not know it, I will not trouble you?—No, I do not.

Cross-examined by Mr. SEXTON.

97,162. Were you subpoenaed on the part of the "Times" to attend their Lordships' Court?—Yes, I was, and attended regularly for six months.

97,163. What was the date of the subpoena?—I think the Saturday before the opening of the Commission.

97,164. That would be the greater part of a year ago?—Yes.

97,165. Did the subpoena call upon you to produce the books and documents?—No.

97,166. Simply to attend?—To attend in Court from day to day.

97,167. You did attend in Court accordingly?—I did. I attended first of all almost every day, and then pretty nearly every day for six months, until the "Times" case was over.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

97,168. Were the agents of the "Times" aware you were here?—I called on Mr. Soames twice, and wrote to him twice to get payment for my loss of time for my attendance here; I think that should be reminder enough I was here.

97,169. Were your expenses covered?—No, not yet.

97,170. Did Mr. Soames ever call upon you to give him any information?—No, never.

97,171. Were you always prepared to produce to Mr. Soames or to their Lordships the books that are now before you?—Certainly, and I believe it was that I was subpoenaed for, and had them ready for the time I was called.

97,172. I presume you were always as ready to produce these books, or give any information in your possession to Mr. Soames as to Mr. Lewis?—Certainly.

97,173. And you were never asked?—I was never asked a question nor a word.

97,174. You were asked as to the position of Mr. Quinn in the office of the League; does your memory as a member of the League not actively concerned, but entering the office occasionally, enable you to say Mr. Quinn was senior clerk when Mr. Brennan was acting as secretary?—That is what I would imagine really. I took no active part in the League till about a month or six weeks before the suppression. My opinion would be that Mr. Quinn was leading clerk next to the secretary.

97,175. You are aware that by Mr. Forster's Act the duration of imprisonment of a person arrested under it was uncertain?—Precisely.

97,176. You could not tell when Mr. Brennan would be released?—No, it might be a month, or it might be a year.

97,177. Did you know Mr. Quinn as senior clerk took up the duties simply pending Mr. Brennan's release?—I do not know; that is my impression.

97,178. You know the name of Mr. Phillips has been mentioned repeatedly in this case?—Yes.

97,179. Do you know whether he is an Englishman?—I always understood he is a retired soldier.

97,180. An Englishman who had served in the British army?—Yes.

97,181. These facts were known in the office of the League when he was employed?—Yes. I had nothing to do with the employment; I understood when he was employed he was an Englishman.

97,182. You are aware that these facts were known at the time in the office of the League?—Yes, they were known, and often spoken about him.

97,183. Are you in a position to give evidence concerning any sum of money entrusted to Mr. Phillips, and being applied in discharge of obligations of the League?

(*Sir H. James.*) I am sorry to interrupt Mr. Sexton, who is not perhaps quite aware of our rules of evidence, but I may state at once that Mr. Phillips is going to be called. This is a question of character—it goes to the question of character, and it should be put to him in cross-examination.

(*The President.*) You have learnt Mr. Phillips is going to be called, and you may put the question to him when he comes.

(*Mr. Sexton.*) Of course I at once abandon the question. I thought as the question of the transmission of certain documents to the "Times" was on, it would be the time when I might put the question.

(*The President.*) Well, our rules of evidence do not permit of your giving evidence of bad character now, but you may put those questions to the man himself.

(*Mr. Sexton.*) My Lord, I abandon the question at once.

97,184. Are you aware, Mr. Moloney, that in the course of this case it has been suggested by the Attorney-General that there is a deficiency in regard to the receipts and expenditure of the Land League—that the expenditure as detailed in the books, is considerably short of the receipts?—Yes; I have some recollection of hearing that such a statement had been made, or of reading it.

97,185. May I take it from you that any expenditure detailed in those books you have produced would not include accounts of the expenditure of the Land League from the foundation in October 1879 to February 1881?—They would not—well, I could not tell you. I had nothing at all to do with the Land League from its start in an official capacity until about six weeks before its suppression.

97,186. Are you in a condition to say that the books produced, showing the expenditure of the Land League, only cover the period from February 1879 until the



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

suppression and afterwards?—There is a book covering a lot of expenditure from February 1879 up to 1881.

97,187. Not showing the details?—It does, it gives the amount of each cheque.

97,188. The books produced in Court do not show the expenditure of the Ladies Land League for any purpose?—No, I think not.

97,189. Do they show the expenditure of the account kept in the name of Parnell, Dillon, and O'Connor at the Hibernian Bank, covering a sum of about 3,800*l.*?—No.

97,190. Would they show the expenditure of a sum of 10,000*l.* transferred to the Mansion House fund for the relief of the evicted tenants?—No, they would not show that. They show about 140,000*l.*, roughly speaking.

97,191. The gross expenditure of the Ladies Land League is shown in Mr. Hardcastle's evidence at 75,000*l.*, or eliminating cross entries, 61,000*l.* That not be contained in those books?—No.

97,192. Nor the 10,000*l.* transmitted to the Mansion House fund?—No, it is not.

97,193. You have no knowledge of any Land League books except those you have handed in?—Not the slightest.

97,194. I understood you to say that in June and July 1881 you entered up some books?—Yes, I entered up this book here from the 4th February 1881 to June 1881 or July, D 4.

97,195. Did you find from the date of Mr. Egan's departure to Paris that no cash book had been kept?—No.

97,196. In the office of the Land League?—I know that there were no records of the financial matters kept, and Dr. Kenny when he mentioned it to me as I explained, I said he could send me all the books he had in connexion with it, and I would write up a banking account for him, and try and balance it, and try and keep in accord with the bank amount.

97,197. It comes to this that after Egan went to Paris no cash records were kept in the office of the League until you began to keep it in June?—I believe not.

97,198. So that the cash books created by yourself were the only records of the period:—They are I believe. Dr. Kenny kept no record at all except the blocks and the returned cheques; he kept no books at all since Mr. Egan went in February until I took this one.

97,199. The period which interlaps between February and June of that year was a period of great confusion, Mr. Dillon had been arrested in April, and Mr. Brennan in May?—Yes, I think so, I know they had been arrested sometime early in the year.

97,200. And no regular accounts were kept?—I am sure they were not.

97,201. Am I right also in the supposition after you made up the books covering the period from February to June, that a lapse was allowed to occur in the records in the months of June and July?—Yes.

97,202. And there is no record of those months now?—The moment I got better I made this book up to the date I was ill, and from the time I got ill until October, when I keep the books again, when Dr. Kenny was arrested again there was no record kept, things were in great confusion, everybody had been arrested, and I had not time to keep the books myself.

97,203. The secretary, Mr. Brennan, was in prison all that time?—Yes.

97,204. In consequence of the failure to make records, until you resumed the work in October, there is no record for those two months?—No record for those two months that I am certain of.

97,205. When you did not do the work yourself there was no record?—No, there was no one to do it.

97,206. The head of the office was in prison?—Yes.

97,207. You have no reason to believe the work of recording was resumed after you gave it up?—Oh, I am sure it was not, because it would be Dr. Kenny's business, and he was not able to do it, he was not able to do it before.

97,208. Dr. Kenny is a busy professional man?—Yes.

97,209. Do you know anything whatever of the books of the Ladies Land League?—No, I had nothing to do with them at any time.

97,210. You have been questioned as to an account in the name of yourself and Mrs. Florence O'Keefe at the office of the Hibernian Bank; do I correctly understand that that was an account of the interest and expenditure of the "United Ireland"



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

newspaper transferred to your names in consequence of the fact that the editor, Mr. O'Brien, was in prison?—Simply, when Mr. O'Brien was arrested in October I was asked to take charge, and Mr. O'Keefe was at the office of "United Ireland" at the time, and the account was transferred to my name and his.

97,211. The account had nothing to do with the League?—Nothing at all to do with the Land League, nothing whatsoever.

97,212. With regard to these payments to Mr. McGough for prisoners; you were director of a very large commercial business yourself?—I was a partner.

97,213. And managing director?—No, I was not. I was buyer.

97,214. I mean the conduct of the business occupied your time?—Oh, yes, certainly.

97,215. You found it difficult to devote much time to any other business?—I never did, except in the evening, and I attended the ordinary weekly meetings of the League for about an hour or two.

97,216. I understand you to convey to their Lordships that when an application came from Mr. McGough, the legal agent, you considered that sufficient of itself, and you did not put yourself to any trouble to inquire or to read the document, but simply took his certificate as amounting to a direction which you might act upon?—Yes, there was no other executive out at the time of whom I was aware; they were all in prison.

97,217. Do you believe, Mr. Moloney, that a penny of the money that passed at any period through your hands, or through the hands of Mrs. Moloney, was ever applied for any illegitimate or questionable purpose?—I am quite sure, as far as our knowledge goes that it was not.

97,218. Have you any reason—I think I had better put the question direct; have you any reason to suppose that a penny of it was used for the purpose of procuring the commission of crime, or of any offence in any degree, or rewarding any person for having committed such an act?—Well, so far as my experience goes, or my connection goes, I am sure not a penny of the League money was spent for any such purpose.

97,219. I put it to you, you would never have sanctioned it yourself?—No, and I never heard a suggestion of it.

97,220. You have been asked as to Mr. Pearson, the clerk in the office who lived at Blessington Street you say?—I heard he lived in Blessington Street, I have no knowledge of it.

You have been asked whether I lodged in the house.

(*Sir H. James.*) No, I did not ask him, he volunteered it.

97,221. (*Mr. Sexton.*) You were asked whether any member of Parliament lodged in the house?—Yes, in Blessington Street.

97,222. Are you not aware of the fact that Mr. Pearson lodged in the house in Blessington Street, and I lodged in a house of the father in Frederick Street?—No, I never heard of that.

97,223. At any rate, about the 20th October, when these papers were said to have been transferred from the office of the League to the house of Mr. Pearson, the son, and the gentleman with whom I had lodged, you were aware I had been in prison for a week?—Yes.

97,224. Having been arrested on the 14th?—Yes, I am aware you were arrested.

(*Sir H. James.*) My Lord, I am, I presume, strictly right in asking that I may put a further question, Mr. Sexton was asking upon my examination.

(*The President.*) Yes, upon any fresh matter that has been introduced you would be entitled, but not otherwise.

(*Sir H. James.*) I should not strictly be if it was not.

Further examined by Sir HENRY JAMES.

97,225. You said you did not have a subpoena to produce the books; have you ever communicated to Mr. Soames that you had these books in your possession?—I did not; he never asked me.

97,226. You never told him or gave him any information that you had these books?—No; I went to see Mr. Soames on two or three different occasions. Had I seen him, or had he ever asked me, I would have given him the information.

97,227. Did you ever see Mr. Soames personally?—No.

97,228. You have never put in the possession of the advisers of the "Times" the knowledge that you had these books?—No, certainly not.



24 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

97,229. Did you ever communicate that to Mr. Lewis, who is the solicitor to Mr. Parnell and others?—Not until he wrote me.

97,930. When was that?—About two months or six weeks ago, very recently.

97,931. Have you communicated to anyone that you had these books?—I told Mr. Harrington I had them.

97,232. When was that?—That was after the opening of the Commission.

97,233. (*The President.*) Which Mr. Harrington?—Mr. Harrington, the counsel in the case.

97,234. (*Sir H. James.*) About how long after the opening of the Commission?—When he came over here; it may have been a week or a month.

97,235. What did you tell Mr. Harrington?—I told him I had four books, which I believe contained all the entries and cash payments of the Land League, and he told me, "Very good, you have got your subpoena and you must produce them."

97,236. You had no subpoena to produce books?—But he did not know that.

97,237. But you did?—I knew there was nothing about books.

(*Sir H. James.*) There is one letter that has been put in in evidence—it is in Mr. Lowden's cross-examination—that I want to refer to. This question that I want to put arose out of Mr. Sexton's question as to whether the funds have been applied to certain purposes.

97,238. Look at that letter that I have in Mr. Doriss's handwriting (*letter handed to the witness*)?—I could not tell you, I do not think I saw much of Doriss's handwriting I would not know.

97,239. Is that letter his handwriting?—I could not say, I have no recollection of his writing.

97,240. It does not matter. This has been proved by Mr. Lowden at page 5749—it was put in. This is a letter signed by Mr. Doriss.

(*Mr. Lowden.*) Excuse me, I said I thought it was, but I could not say for certain.

(*Sir H. James.*) It is 5,794; however it is proved to be in Mr. Doriss' handwriting. That was, I think, by Forragher.

(*Mr. Lowden.*) I said I thought it was, but I would not swear.

(*Sir H. James.*) Mr. Lowden said *prima facie* he thought it was.

97,241. Now, Mr. Moloney, we have this paper which has been put in:—

"In this case the three men are in gaol on a charge of intimidation and house-breaking awaiting their trial at Mullingar Assizes of 5th December. I have promised a grant would be made for their families and they would be defended by counsel by the executive. 2*l.* each would be well received, and they are really deserving.  
"8th November 1881.

"JOHN J. BUTTERFIELD.

"The prisoners are seven weeks in gaol."

These are the three men. Now, I have in your handwriting, "J. J. Butterfield," under date of November 16th, which would be before you were arrested?—That is not my handwriting (*referring to the cash book*).

97,242. I was taking your own evidence. I understood you to say so?—I told you the first entries were. I even mentioned the number to you.

97,243. I think you went a little further; however, tell me what the fact is?—It is Phillips' handwriting.

97,244. Who would draw that cheque. November 16th Dr. Kenny was in prison; who would be drawing cheques at that time?—I would be signing cheques at that time.

97,245. There is entered "cheque drawn to Butterfield, three men, 2*l.* each;" have you any knowledge what that cheque would be for?—I have not the slightest recollection. I think this in the cash book would explain what it was for.

97,246. Would you kindly turn to the entry and see?—Unfortunately I see this book is not written up by Phillips after the 12th November, it ceased four days before that, but it would explain it otherwise if he had posted it up.

97,247. If the entry had been properly made you would have had particulars?—Had Phillips continued to enter up, that would have been fully explained.

97,248. Look at this letter now in 1881; you have no knowledge of any particulars of this case?—I do not remember seeing anything of it before. I have not the slightest recollection of hearing of it.



20 July 1889.]

WILLIAM FREDERICK MOLONEY.

[Continued.]

(*Mr. Sexton.*) May I ask one or two further questions——

97,249. (*Sir H. James.*) There is new matter and I must ask your Lordships' permission to ask a further question or two. You did become a trustee in March 1886 of a bank account with Mr. Biggar and Mr. Justin McCarthy?—I could not tell you the date.

97,250. Did you have one account or two accounts in your name?—I think I had only one account with Mr. Biggar in Dublin. I do not think Mr. McCarthy had anything to say to it.

97,251. Had you any account here in London?—No, certainly not.

97,252. At the National Bank. You may not know it?—Not to my knowledge. I never drew a cheque on it.

97,253. It may enlighten you to know that you were possessed of many thousands of pounds?—I have never heard of it.

(*Mr. Sexton.*) May I put a question?

(*The President.*) What is the question?

Further examined by Mr. SEXTON.

97,254. (*Mr. Sexton.*) I wish to ask, Mr. Moloney, whether since you wrote to Mr. Lewis about the books, you placed the books in his possession?—I did the following day. I appointed to call on him.

97,255. Have you any reason to think that Mr. Lewis earlier than his letter to you had any knowledge that you had any books in your possession?—I had not.

97,256. You gave the books to Mr. Lewis a few days, I think, before they were actually produced in this Court?—Yes, some time before I gave them—he appointed me to call—he wrote me, I think, to call and bring the books the following day.

97,257. That would be two or three months ago.

(*The President.*) He said so.

97,258. (*Mr. Sexton.*) With regard to the allocation of funds for the defence of prisoners, do you consider that either when there is a strong belief in the innocence of the persons accused, or an apprehension of an unfair trial, there is any impropriety of allotting funds to secure a fair trial?—No, I do not.

(*The President.*) That is argument rather than evidence.

(*Mr. Sexton.*) I was addressing myself to the motive in his mind.

(*The President.*) Yes; I say that is a matter of argument rather than evidence.

(*Sir H. James.*) My Lord, this matter has arisen, and I should be very sorry to hear hereafter that any comment should be made upon facts that were left in doubt; but after the evidence that has been given, seeing Mr. Lewis is in Court, I think I had better call attention to a statement of Mr. Lewis at page 5023. It may be explained; but Mr. Lewis was asked at that page:

“When did you first know Mr. Moloney had been the person who was, according to Dr. Kenny's affidavit, supposed to receive the books in October 1881?—(A.) When I read the affidavit. (Q.) When may I take that to have been?—(A.) Before it was filed. (Q.) Then I may take that to have been evidently about the month of October 1888?—(A.) Certainly.”

My Lords here is the affidavit:

“I believe the said books and documents passed into the possession of

“Maloney—

(This is Kenny's affidavit.)

“who was, within a short period of my arrest, himself arrested and imprisoned in Dundalk Gaol.”

There is a statement it may be explained away; if there is any explanation I think it would be better to give it at once.

(*Mr. G. Lewis.*) It is perfectly correct. My agent in Ireland prepared that affidavit, which was filed in this Court. He gave the same information to Mr. Soames as to myself, and the books passed into Maloney's possession. Beyond that my attention was never directed to it again until your Lordships inquired for the books, and then asked—in fact a statement having been made in this Court about there having passed to Maloney—I wrote to him and asked him to call upon me, and then I wrote asking him to come and bring the books to my office the next morning, so that there should



24 July 1889.]

GEORGE LEWIS.

[Continued.]

be no difficulty and no chance of there being lost, and they were brought to me and they were produced here.

(*The President.*) Do you wish to put any question to Mr. Lewis?

(*Sir H. James.*) The question relating to Mr. Lewis arose in this way—

(*The President.*) If it is likely to run to many questions perhaps Mr. Lewis had better go into the box.

(*Sir H. James.*) Yes.

(*The President.*) What is the page?

(*Sir H. James.*) 5023.

Mr. GEORGE LEWIS recalled; further cross-examined by Sir HENRY JAMES.

97,259. The question was put to you in this way (Q. 76,891):—

“I understand you have no actual personal knowledge of the contents of this affidavit?”

That is Dr. Kenny's. You said, “None whatever.” Then this is read to you:—

“Such books and documents passed out of my possession in the month of October 1881, when I was arrested and confined in Kilmainham Prison. I believe the said books and documents then passed into the possession of Mr. W. F. Moloney, who was himself, within a short period after my arrest, arrested and imprisoned in Dundalk Gaol.”

In the first place, do I understand that the name of Moloney did not come to your notice in connexion with the books prior to Mr. Parnell being examined. What do you say now. Did it or did it not?—It did not more than appears in that affidavit.

97,260. See what you have said here. This is the question: “In the first place, do I understand that the name of Moloney did not come to your notice in connexion with the books prior to Mr. Parnell being examined?” Your answer was, “Yes, it did.” Mr. Parnell's examination was May 3rd:—

“When did you first know that Mr. Moloney had been the person who was, according to Mr. Kenny's affidavit, supposed to have received the books in October 1881?—(A.) When I read that affidavit. (Q.) When may I take that to have been?—(A.) Before it was filed. (Q.) Then I may take that to have been evidently about the month of October 1888?—(A.) Certainly.”

—That is perfectly accurate.

97,261. Whether you got it from the affidavit or not, you must have known in October 1888 that Moloney had possession of the books?—Certainly, and so did Mr. Soames.

97,262. Mr. Soames says he does not?—But he was furnished with it. These affidavits were filed.

97,263. Yes, from Dr. Kenny?—There was an affidavit of documents. Mr. Soames had copies. He had the same information as I had. It may not have attracted his attention.

97,264. It is a question what information you had. May I ask you, having read that affidavit of Kenny's in October 1888, did you believe Moloney had these books in his possession?—No, I did not. I had no further information, but I knew the books had passed into Moloney's possession, and Moloney had been put into prison, but who had the books I did not know.

97,265. Did you not inquire?—No, I did not.

97,266. You knew he had been connected with the National League, and he had the accounts of 1886. He was a trustee, he was not unfriendly to you?—I did not know that at the time, and I did not know whether Moloney was in England or abroad. I made no inquiries. Perhaps I ought to have done so, but I did not.

97,267. I may take it from what you have said that Mr. Harrington did not make any communication to you?—No, not at all. My attention was principally directed to the other portion of the case at that time.

ROBERT MILLER recalled; further examined by the ATTORNEY-GENERAL.

97,268. Will you just look at page 101 of that signature book, please?—The old one?



24 July 1889.]

ROBERT MILLER.

[Continued.]

97,269. Yes?—Yes.

97,270. Is there an account of Mr. John Redmond's opened there?—Mr. John Edward Redmond, on the 22nd November 1880.

97,271. Is that the same Mr. Redmond?—Yes.

97,272. That was not the date given to us until that signature book was produced, I think. The date you gave for Mr. Redmond was in 1884. Are there two accounts of Mr. Redmond's?—There are two Mr. Redmonds, two brothers.

97,273. I am aware of that; but are there two accounts of Mr. John Redmond's, or one?—I will tell you. (*After referring.*) There appear to be two. One of them is in his own name and Mrs. J. M. Redmond.

97,274. But the earlier one is the one I want to get the date of. It is in October 1880, I think.

(*Mr. Justice A. L. Smith.*) November 1880.97,275. (*The Attorney-General.*) Now, will you give me the date when you received instructions to destroy any documents?—I have the cashier in attendance, who received the verbal instructions from the deputy chairman. He will be able to give you the date when he received those instructions, and when the documents were destroyed.

97,276. Do you keep a record of the books or documents you destroy?—I do.

97,277. Have you got that here?—The cashier has.

97,278. Then I will ask you to have it from him, please?—Mr. Tyrrell is his name.

97,279. I presume you had nothing to do yourself with communications at the head office. It would be only at Charing Cross?—It would only be at Charing Cross.

97,280. Can you tell me the date when it was Mr. Biggar obtained a copy of his account? I asked you that yesterday?—I cannot. I know it was some time this year.

97,281. You do not know how early in this year?—No, I do not.

## Examined by Mr. BIGGAR.

97,282. You told us yesterday that you destroyed certain documents?—Yes.

97,283. May I ask you whether any of the parties charged—any of your customers, in fact, of the Irish Party—made any suggestion to you or any application to you, asking you to destroy any documents?—Certainly not. We had not destroyed any vouchers for eight years. There was such a large accumulation I applied for instructions to destroy them.

97,284. (*The Attorney-General.*) Will you give me, please, the dates you also promised to give me of the transactions of Mr. Biggar in the year 1880, which you mentioned yesterday? I asked you to get them?—You mean the drafts on demand?

97,285. Yes?—And letters of credit.

97,286. In the first place, I ask you about that cheque for 32*l.* Have you been able to trace that?—No; we have not.97,287. Have you made any inquiry at the head office about that 32*l.*?—I have not.97,288. Next you said you would give me the date of the transactions with Mr. Biggar in the remitting of money to other branches in Ireland?—Yes; I have those letters and forms here (*handing some to the Attorney-General*).97,289. These had better be taken in the order of date: "19th February 1880, Loughrea, Lister M. G. Smyth, 21*l.*"; "26th February 1881, Loughrea, Lister M. G. Smyth, 21*l.*"; "7th April 1881, Newbridge, Nicholas Frame" (it may be "P. P." or "C. P.") "21*l.* 14*s.* 6*d.*"; "3rd May, 1886, Edward Walsh, Waterford, 10*l.*" Those three are Mr. Biggar's. "17th April 1886, Henry Campbell, F. Marshal, Newcastle-on-Tyne, 11*l.* 5*s.* 0*d.*"; "Henry Campbell, 17th April 1886, Stephen Quinn and Son, Newcastle-on-Tyne, 12*l.* 5*s.* 3*d.*" Those are all, are they?—Yes.(*The President.*) Mr. Attorney, I am not able to follow this quite, therefore I am afraid the parties charged may not be able to follow it. What is the point you are aiming at?(*The Attorney-General.*) The only point I am aiming at at present is for the purpose of seeing we get full information respecting the accounts—the transactions between Mr. Biggar and Mr. Campbell and the others with the National Bank since the period covered by the order. That is the sole object I have at the present time. I am not able to do more than ascertain from the bank clerk the actual dates.



24 July 1889.]

ROBERT MILLER.

[Continued.]

(*Mr. Biggar.*) My Lord, this thoroughly corroborates the contention I made yesterday. These transactions are of a perfectly private nature; still the Attorney-General keeps harping upon transactions which have no reference whatever to political affairs.

(*The President.*) I have explained many times over, if they do relate to private affairs we do not wish to have them.

(*Mr. Biggar.*) Still the Attorney-General keeps putting them in, and he must have made more or less of a false representation to your Lordship, or else he would not have got this order.

(*Mr. Campbell.*) With regard to my account, my Lord, there is not one penny that has ever passed through which is not of a purely private and personal nature.

(*The President.*) Very well.

(*Mr. Campbell.*) And I may also add it was open at the end of 1886, two years ago, and there has not been one single cheque which has not been a purely personal matter.

(*The Attorney-General.*) My Lord, Mr. Campbell makes that statement. I said yesterday and I say distinctly, if any statement were made before your Lordship—and I have no means of testing the contrary or suggesting the contrary—that it was a purely private account, of course I accept the statement made upon oath as I did that of Mr. Sexton yesterday. I do not want to justify myself at all. I only wish to prove, if necessary, with reference to the transactions Mr. Soames was inquiring into, that there was the strongest evidence, and put upon affidavit by Mr. Soames, that the transactions were not purely private.

(*The President.*) Then, of course, as in the case of Mr. Sexton, if the parties come before us and satisfy us that they are private accounts, we do not intend to inquire into them.

(*The Attorney-General.*) Certainly. No copy of Mr. Campbell's account has ever been taken. When it was found to be as late as 1886 no copy of Mr. Campbell's account was taken in any way.

(*The President.*) I want to make another observation *à propos* of a very pertinent question put by Mr. Biggar: As to whether any of his associates had requested that the books should be burnt or destroyed. Mr. Tatham stated that he made a very proper observation: "I hope you will not destroy any books that are in question in this inquiry." Well, now, that ought not to be left in obscurity. Of we course wish to have an assurance that, whether intentionally or not (quite unintentionally I must assume), any books that do have a bearing upon this inquiry were unfortunately destroyed.

(*The Attorney-General.*) I was going to put the question to Mr. Tyrrell, the witness Mr. Miller vouches as the witness who would be responsible.

#### Cross-examined by Mr. SEXTON.

97,290. I wish to ask you whether in the ordinary course of your business as a bank you are obliged from time to time to get rid of accumulations?—Yes, we are. We had not destroyed any books for eight years before, so you will understand we had a very large accumulation of books.

97,291. I understand a longer period than usual had elapsed since any destruction?—Yes.

97,292. And the accumulation had come to a ton and half in weight?—It had; over two tons.

#### THOMAS WILLIAM TYRRELL sworn; examined by the ATTORNEY-GENERAL.

97,293. When did you receive any instructions about the destruction of any papers or books?—On the 10th December 1888.

97,294. From whom?—From the deputy chairman.

97,295. The deputy chairman at the head office?—At the head office.

(*The President.*) Who was the deputy chairman?

97,296. (*The Attorney-General.*) Who was the deputy chairman?—Mr. Devitt.

97,297. When were the instructions carried into effect?—In February 1889, last February.



24 July 1889.]

THOMAS WILLIAM TYRRELL.

[Continued.]

97,298. What date?—The date appears to be 20th February.

97,299. Who selected the documents?—I did.

97,300. What time did Mr. Spain, the accountant, commence the examination of the National Bank books under the order. He attended with Mr. Soames, I think, first?—Oh, I have no idea.

97,301. Do you not know what date it was when Mr. Spain first commenced the examination?—No, not at all.

97,302. I am told, and I suggest to you, do you know whether any inspection of the National Bank books began in the month of November last year?—No, I am not aware it did.

97,303. Or application made for inspection of books then?—Not to my knowledge.

97,304. Perhaps you will give us, as shortly as you can, the nature of the books which were destroyed?—The books we destroyed were books containing merely memoranda and balance entries. The ledgers and the cash books are not destroyed at all and never have been. They have been in existence since the opening of the bank.

97,305. The ledgers and cash books are still in existence?—Yes.

97,306. Are the waste books destroyed?—The waste books are destroyed, yes.

97,307. Do the waste books show the places from which the money is remitted?—No.

97,308. What is the general nature of the contents of the waste books?—It is particulars of the cheques that are contained in the credits paid in. It does not show where the money came from. It does not show where the money was sent from.

97,309. Supposing 500*l.*, for instance, was paid in on a particular day, the waste book shows the particulars of what that 500*l.* was made up?—It shows the banks on which the cheques were drawn.

97,310. And would indicate whether they are foreign remittances, and what bank they came from?—It merely shows the name of the bank on which the cheque was drawn.

97,311. If it was on a bank in New York it would indicate that?—Yes.

97,312. In the cash book it is entered as a lump amount?—Yes.

97,313. So it is the waste book which contains the particulars of those remittances?—Yes.

97,314. Was there correspondence destroyed?—Private correspondence, oh, no.

97,315. Letters?—Oh, no.

97,316. You draw the distinction, “private correspondence.” Were letters destroyed?—No.

97,317. Covering letters?—No.

97,318. They are kept still, are they?—They are, still, yes.

97,319. They are still in the possession of the bank?—Yes.

97,320. Then letters remitting moneys are still in the possession of the bank?—Yes.

97,321. Are you quite sure?—Yes; those were all in existence, except some that got destroyed through an inundation that we had.

97,322. I am not speaking of any inundation?—I cannot say what they were exactly.

97,323. Just explain what else was destroyed besides the waste books. Does that contain a list of them?—This contains a list of them, yes.

97,324. The whole of the books. Is that so?—No, those two pages that are open.

97,325. Ledger, waste books, house debits, rough balance, advice letter books. Does that mean advice of receipts?—No, that is copies.

97,326. Discharged daily list of bills, telegraph remittance, head office was, miscellaneous, notes in the house, bills of acceptance, credits, vouchers. It does not contain very much information as to what the actual documents were. That is a description of the class of documents?—That is a description of the things that were destroyed.

97,327. What I understand is, you have no information now left with the bank which would enable you to say from what source any remittance came?—There is now nothing left in the bank?—Oh, no.

97,328. That would appear as you have already described?—Before these dates. Subsequent to these dates are here.



24 July 1889.]

THOMAS WILLIAM TYRRELL.

[Continued.]

97,329. That is before the year 1885, I think?—1883, I think.

97,330. Look and see. I think it is 1885. If you say it is 1883 I will take it from you?—Some of them are 1883, some are 1885. The waste books were destroyed down to October 1883.

97,331. It would be of a date earlier than October 1883, and the places from which remittances came?—Yes.

97,332. (*The President.*) Was it to you that Mr. Tatham gave the caution not to destroy anything that might be——?—Not to me.

97,333. Was it to you that he gave the caution not to destroy anything which might be called for in this inquiry?—Mr. Devitt gave me instructions to that effect.

97,334. Mr. Devitt did?—Yes.

97,335. (*The Attorney-General.*) What steps were taken?

(*The President.*) My brother thinks the witness misunderstood my question. I understand it was not to you that Mr. Tatham gave the caution?—No; not Mr. Tatham.

97,336. Mr. Devitt did?—Yes, Mr. Devitt did when I applied for permission to destroy.

97,337. (*Mr. Justice A. L. Smith.*) He gave you a caution, did he?—He gave me a caution, yes.

97,338. (*The Attorney-General.*) What steps were taken to secure or to ascertain that no documents connected with these matters were destroyed?—Our accounts appear to be open in 1886, and we only destroyed down to 1883, so I considered we had left a good margin.

97,339. The only step you took, so far as that was concerned, was with reference to what I may call the date of 1886?—Yes.

97,340. You did not make personally, or have made under your direction, any investigation with reference to any documents prior to that date?—We took care that nothing subsequent to that date was sent away.

97,341. Prior? I did not say subsequent. Prior to that date. You did not make any examination of the documents themselves?—Prior to the date of 1883, you mean?

97,342. Yes?—Yes, we had them examined to see that they were 1883 before they were sent away.

97,343. I say you did not make any examination of the documents themselves?—Not each document.

97,344. I take this as a specimen. I look at the account produced. It is the 16th February 1883: “Mr. Healy, per P. Egan, 175l.” Have you got the letter which would advise that payment by Egan?—It does not follow that it was paid in by letter. It might have been paid in as cash over the counter.

97,345. Have you any document relating to it?—No.

97,346. Have you the paying-in slip?—No.

97,347. Have you any information left in the bank as to how that was paid in or from what source it came?—No, we have no entry.

97,348. Taking that as a representative entry, what steps were taken to see whether a document which might be material coming from P. Egan was not destroyed?—What is the date of that entry?

97,349. The 16th February 1883?—Mr. Healy's account was a private account, and I did not conceive that that was a material thing at all.

97,350. Let me just understand this. Mr. Healy's account being a private account you did not think it to be material?—No. We dated the accounts from the opening of the joint account in 1886.

97,351. Does not it amount to this, that there was no examination of the documents themselves, to see whether they might or might not be material, if they were before the date of 1886?—Exactly; that is what I said.

97,352. All that you did to ascertain or be careful that there was no destruction made was simply to see that they bore a date after 1886?—To examine the dates before 1886.

97,353. I understood you to say to me that letters received in connexion with any such payment as that would not have been destroyed, but would still be in the bank?—Exactly.

97,354. I really am taking that at present simply and solely as a specimen case. Assuming that there are other remittances from Mr. Egan of an earlier date, I gather



24 July 1889.]

THOMAS WILLIAM TYRRELL.

[Continued.]

that the same answer would apply. If you found them to be of an earlier date the document would be destroyed?—Unless it came in a letter. A letter would be in existence.

97,355. Have you looked to see if there are any letters from Mr. Egan?—No. (*A bank ledger was handed to witness.*)

97,356. I notice that in that account (and I again use it only as a specimen) there are apparently payments that were made in, and the only information is “by letter.” I think you will find one of 122*l.* following down that 175*l.* I have referred to. Are those documents in existence?—Yes, those would be in existence, I should think.

97,357. In what name? Under what category of documents? Letters?—Yes, letters.

97,358. Letters received?—Yes. This is a letter. “Per letter” means a letter from Mr. Healy.

97,359. (*Mr. Sexton.*) So far as you know, this was an absolutely private account of Mr. Healy’s?—Yes.

97,360. (*The Attorney-General.*) Were you asked for the Egan letter?—I have not been asked for it. We have not been asked for it to my knowledge.

97,361. Not to your knowledge?—No.

97,362. (*The President.*) Did you suggest the date prior to which the books should be destroyed?—Yes, our rule is to keep them five years.

97,363. I am asking you whether you individually selected that date?—Yes.

97,364. Then, as I understand you, Mr. Devitt assented to that?—Mr. Devitt gave me instructions not to destroy anything likely to affect it.

97,365. He assented to your date?—Yes.

97,366. But at the same time he gave you a caution, instructions, as you say, not to destroy anything that might have a bearing upon this inquiry?—Exactly.

97,367. Well, I must point out to you that you do not seem to have acted upon his caution, because you simply destroyed documents prior to a particular date without inquiring, or asking anybody whether they might have a bearing upon our investigation?—The account of Mr. Healy had been closed for some years, for some time at least, and I had lost sight of it altogether. I dated the documents that were likely to be required, from the date of the opening of the account of M’Carthy and Biggar, in January 1886, and we kept some years previous to that.

(*The President.*) Here is something referring to Mr. Egan in 1883.

(*The Attorney-General.*) I hope it will be understood that no copy of Mr. Healy’s account has been taken at all. I merely refer to it for the purpose of being able to ascertain——

(*The President.*) Was that Healy? I thought it was Egan.

(*The Attorney-General.*) The letter was “Per P. Egan.” I wished to ascertain what precautions had been taken in order to carry out the caution with reference to non-destruction of documents, and for the purpose of getting at Egan’s letters. Will the gentleman from the head office kindly produce the signature book?

JOHN LLEWELLYN WHELAN recalled.

97,368. (*The Attorney-General.*) I do not want to trouble you, if that is it. I want you only to look through it with reference to certain names. It can be done in your presence. You have it here?—I have two books here.

ALEXANDER J. PHILLIPS sworn.

(*The President.*) The absence of Counsel for the persons charged makes it necessary that I should see quite clearly where we stand.

(*The Attorney-General.*) I beg your Lordship’s pardon. I quite appreciate it.

(*The President.*) Therefore I must put a question to you which in some shape or other would have been put had those Counsel been here. On what ground do you justify calling this witness?

(*The Attorney-General.*) I am much obliged to your Lordship. In the course of observations made in Sir Charles Russell’s opening, on three occasions pointedly, and in the course of observations made by Mr. Parnell in the course of his evidence, it was stated that Mr. Phillips had stolen Land League papers and had handed them



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

over to the "Times"; also, my Lord, that a selection had been made of papers which had been handed over. I desire to put before your Lordships the story of exactly what the Land League papers are which came into Mr. Soames' possession through Mr. Phillips, and how they came. I think I should be justified in dealing with that. In addition to that the books, whatever they are, have been produced as your Lordship is aware under circumstances with which your Lordship is now familiar, ultimately in connexion with the evidence of Maloney given this morning. I desire to give evidence through Mr. Phillips with reference to the existence of certain books, and to a certain extent, those books which were produced in the course of the defendants' case, but of which I had no notice at all prior to the time of their being produced in court. Those are the two particular points. Also to rebut a statement made with reference to Mr. Phillips' credit as to the two particular matters upon which I think I am entitled to give evidence in reply.

(*The President.*) Yes, very well; we think that entitles you to call him.

97,369. (*The Attorney-General.*) Is your name Alexander Phillips?—That is my name.

97,370. What are you?—An accountant.

97,371. How long have you been employed as an accountant?—As a public accountant.

97,372. No; how long have you been engaged in the business of an accountant?—About 15 or 16 years.

97,373. In the month of October 1881 were you in the employment of Kevans and Keene?—I was.

97,374. Were they public accountants in Dublin?—They were.

97,375. How long had you been with Kevans and Keene?—About four or five years—about four years.

97,376. At any time in the year 1881 did you go to the Land League offices?—I was sent there by Kevans and Keene.

97,377. As their clerk?—As their clerk.

97,378. Did any other clerk from Kevans and Keene go in the first instance or not?—In the first instance there was a clerk went there some twelve months before I went, but not in my time.

97,379. During your time you were the only person who was there from Kevans and Keene?—I was.

97,380. Do you remember exactly the day you went?—It was on the 10th October.

97,381. 1881?—On the 10th October 1881, yes.

97,382. What gentleman did you see, or what member, if anybody, connected with the Land League did you see at the Land League offices?—I was sent specially to see Mr. Arthur O'Connor.

97,383. Where; at what Land League offices?—In Upper Sackville Street.

97,384. Did you receive any instructions from Mr. Arthur O'Connor respecting the keeping of any books?—I did.

97,385. What were they?—I received instructions not to have anything to do with any former books.

97,386. And were you to start anything?—I was instructed to open a cash book and ledger.

97,387. Will you please take those books, four of them [books D 1, D 2, D 3, and D 4], and tell me whether any of those are the books which you opened, or had anything to do with. Then I will ask you about those that you did not yourself have to deal with?—I do not know *this* book (*referring to one of the books*).

97,388. Did you open that book?—This is the cash book.

(*The President.*) How is it numbered?

97,389. (*The Attorney-General.*) D 3, my Lord. This cash book was opened by you as of the date of the 10th of October 1881. Now I notice it continues down to the 12th of November 1881?—Yes, after the suppression of the League.

97,390. Were the whole of those entries made by you?—I believe so, every one in my handwriting, if you will let me look at it again.

97,391. Look and see if there is anybody else's handwriting except yours. (*handing the book to the witness*)?—I believe not. I believe all the handwriting of that is mine.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,392. You are an accountant; that is a cash book?—Yes, posted to a ledger.

97,393. That is a cash book posted to a ledger?—Yes.

97,394. From what were the cash book entries made?—From counterfoils of cheques and memoranda authorising payments.

97,395. Putting the other books aside for a moment, I wish to ask you particularly about this book first. Just confine yourself to D 3?—This book is D 3.

97,396. Quite right. Take it please. In the first place the entries would be made from these cheques and counterfoils as they stood in the cheque book before the cheques went out, or from memoranda of what had passed at the meeting?—From memoranda of what had passed at the meeting.

97,397. Either one or the other?—I had evidence in my own mind from seeing this book before, that there are lots of things in that cash book that must have been taken from memoranda passed at meetings.

97,398. So I understand. I also understand you to say the source would be memoranda of what passed at meetings, and also the counterfoils of the cheques?—Of course I would not make an entry in the cheque book unless there was a cheque.

97,399. Were those entries made partly from memoranda and partly from the counterfoils of the cheques?—From both.

97,400. Was the cash book posted?—Certainly.

97,401. Is there on the face of the cash book any page or entry of the ledger into which it was posted?—Certainly, the folios are all posted—all entered here.

97,402. Was there a ledger into which those entries were posted?—Certainly.

97,403. Did you post them yourself?—Certainly.

97,404. Was it more than one ledger, or was it one ledger?—One ledger.

97,405. Was it a ledger that you had opened, or was it a page of an old ledger?—I cannot remember. I have no recollection of opening a new ledger.

97,406. I think I can refresh your memory, if you will hand me that book back, you will see why I put the question to you. I call your attention that the very first entry is posted, as far as I can judge, at page 30. The earliest page of the ledger at which it is posted appears to be I think page 30 in the ledger. Just look and see whether you are able from that to refresh your memory as to whether you posted it at a late page of an old ledger, or whether you posted it in a new book?—Without looking at the folio of that cash book at all, my impression is that I commenced to post new accounts in an old ledger.

97,407. And did not open an entirely new ledger?—No, I think not. That is my recollection. Of course if the evidence on the face of the cash book helps to prove that, that is my recollection of it.

97,408. May I take it that the practice of entering the cash book on the 11th of October down to the 12th of November continued until you ceased, I will ask you the circumstances under which you ceased, and also in the posting into the ledger?—Certainly.

97,409. We had better just ask where was this work first done when you first went on the 10th of October, at Sackville Street?—The work was first done at the offices of the Land League, Sackville Street.

97,410. Was it done there all the time, or was it done anywhere else at any time?—Up to the time of the suppression of the League, it was always done there.

97,411. I understand. After the suppression of the Land League, where was it done?—After the suppression of the Land League it was done principally at Mr. Moloney's house in Mountjoy Square.

97,412. May I take it that after the suppression of the League, which would be roughly after the 18th of October, the entries were made at Mr. Maloney's house in that cash book?—Well, occasionally perhaps at mine.

97,413. Or at yours?—Yes.

97,414. From whom or where did you then obtain the documents which enabled you to make the entries between we will say the 18th or 19th of October and 12th November?—They came into my hands in the ordinary course of business.

97,415. From whom?—From Mr. Moloney by post, from all the organisers throughout Ireland; they knew I was an accountant, and I used to have a whole sackful of papers every morning—letters.

97,416. At Mr. Moloney's house or your house?—Partly at my house. Sometimes they came to Mr. Moloney's and he would pass them on to me to see were they all right.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,417. May I take this—that after the suppression of the League, the business of the League, so far as you were carrying it on, was carried on at Mr. Moloney's house, or partly at your own house?—Well, I do not know where else it might have been carried on, but it was carried on at Mr. Moloney's house—partly at mine, and partly at some place else.

97,418. As far as you carried it on it was carried on at Mr. Moloney's house and your own?—As far as I know.

97,419. After you had posted in the cash book from documents, what did you do with the documents, memoranda, or minutes, or any letters you posted from?—If they were documents that passed into my possession in the ordinary course of business, I kept them.

97,420. Did you file them, or what?—File them.

97,421. What I want to know is this, was it the practice during this time to keep the voucher from which you had made the entry on some file, or in some particular department?—Well, you see at this time things were rather uncertain.

97,422. What I want to know is whether the documents were kept or destroyed?—I kept all documents that I had paid money for to the best of my knowledge, and filed them.

97,423. Where would they be filed; would they be filed at Moloney's house after the Land League was suppressed, or where?—At my house, I think, as far as business that passed at my house was concerned.

97,424. When the business was done at Moloney's what was done with the documents; when you made entries at Moloney's house from vouchers or documents there submitted to you, what was done with the documents then?—I believe Mr. Moloney passed the vouchers for the cheques to be drawn, and I took away the documents to my own house. That was after the suppression of the League.

97,425. I am speaking after the suppression of the League?—Yes.

97,426. Now will you look at the next book. Can you identify that one you have before you now?—This book was opened after the suppression of the League.

97,427. Keep it please; what is the number of it?—D 2.

97,428. Who opened that?—I did; no, I beg your pardon. I did not open this book.

97,429. Who did open it?—Mr. Moloney opened this book with five debit entries and a credit on the first page.

97,430. Where did he open that?—I do not know. The first time I saw that it was open.

97,431. At what house did you see it first?—At my own house.

97,432. At your own house?—No, at Mr. Moloney's house.

97,433. How came you to see it?—I was there in the ordinary way.

97,434. Who first produced it to you; Mr. Moloney, or who?—Certainly Mr. Moloney. I had no intercourse with anybody else. I was told in the ordinary practice of an accountant to carry it on.

97,435. Did you make entries in this book?—After those opening entries were made.

(*The Attorney-General.*) My Lords, it is material to notice that the first date of an entry in it is the 13th of October.

97,436. Just look at page 1 and tell me which are the entries you refer to as being opened by Mr. Moloney, and being in the book when it was brought to you; the first five, or how many of them?—Those entries, I believe, were opened by Mr. Moloney from the bank account.

97,437. Down to where?—One the debit side down to October 21st, and on the credit side down to October 8th, and on October 10th I took up the credit entries and continued them on.

97,438. Keep it before you, and just tell us where the entry of your own handwriting is?—On October 10th.

(*The President.*) I thought it was the 13th.

97,439. (*The Attorney-General.*) On the left-hand page there are five credit entries in Mr. Moloney's handwriting, you said?—Yes.

97,440. On the right-hand side there is one?—Only one. There is the balance at the bank on that day.

97,441. How soon after October 10th did you begin to make those entries you said after the suppression of the Land League, but now soon?—Immediately after the suppression of the League; Mr. Moloney said he would like to keep a proper account



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

of the cheque blocks, I believe, it was nothing more. It was not an account of the disbursements of the cheques, it was simply an account to check the bank account.

97,442. That was a book to check the bank account?—That is all, nothing more.

97,443. You said you did not begin to make any entry till after the suppression of the League; how long, about, after?—Well, it would not have been long after I was arrested—I think about the 12th of November—a day or two.

99,444. You began then to make the entries on a day or two after the League was suppressed?—Yes, a few days, perhaps three or four days.

97,445. At Moloney's house?—Well, yes, at first.

97,446. From what did you enter up this?—Cheque blocks.

97,447. With the cheques still in them, or after the cheques had been torn out?—Oh, after the cheques had been cashed.

97,448. From what we should call the counterfoil or stumps of the cheques?—The counterfoils of the cheques, yes.

97,449. Now will you look at the book and see down to what point you made the entries?—I should think to November 22nd.

97,450. (*The President.*) I thought you said you were arrested on the 12th?—I forget the date I was arrested.

97,451. But looking at that book I suppose you recognise your handwriting down to the 22nd?—Oh, yes, certainly.

97,452. (*The Attorney-General.*) I want to fix it accurately. Give me the last entry in your own handwriting?—I think it is November 22nd, "R. J. Phillips, 40l."

(*The Attorney-General.*) I am told he was arrested on the 25th from the Return.

97,453. In whose handwriting are the entries after that, do you know?—Some of them in Mr. Moloney's, immediately after mine, up to the 23rd, I think. Then comes some of Mrs. Moloney's handwriting.

97,454. Turn on, if you please. I think you will find the book goes up to 1882—that particular book—in whose handwriting do they appear to be?—They seem to me to be all in the handwriting of Mrs. Moloney; I do not know, I imagine from my recollection of her handwriting it is all Mrs. Moloney's.

97,455. Just look at the end?—Then comes Mr. Moloney again.

97,456. But give us the page at which your last entry occurred; what is the page of it?—Page 21.

97,457. Some of Mr. Moloney's and some of Mrs. Moloney's down to what?—No, I think you might say Mrs. Moloney down to November 25th, and then Mrs. Moloney down to June 15th.

97,458. On what page?—June 15th, on page 48, as far as I can see.

97,459. And then Mr. Moloney again?—Yes, and then Mr. Moloney comes on the scene again.

97,460. Just turn over quickly down to the end?—I cannot recognise that handwriting. It is mixed up.

97,461. (*Mr. Justice A. L. Smith.*) What is the last date in the book?—62. It is mixed up. The handwriting is mixed up. I cannot recognise all of it.

97,462. (*The President.*) The last date, I think my Lord asked you. I think it is August 1882?—The last page I think my Lord asked for.

97,463. (*Mr. Justice A. L. Smith.*) The date?—August 31st, 1882. Transferred to Sackville Street branch.

97,464. (*The Attorney-General.*) Is the whole of that the same thing that you mentioned before, namely, a book to check the banker's account made up from the stumps of the cheques as far as you can tell?—Made up from the counterfoils.

97,465. It is not a cash book?—Oh, no, I should think not.

97,466. I only want to get the fact from you?—I do not know it was made up after. I had nothing to do with it. It seems a continuation of counterfoils of cheques. There are no particulars given in it. I should say it was not particulars of cash book entries, except the counterfoils of cheques.

97,467. It is not posted to a ledger, is it, at all?—No, only the numbers of the cheques.

97,468. Therefore it is not the same as the cash book that you opened?—Oh, decidedly not.

97,469. That disposes of D 2 and D 3. Now I should like you to tell me if you recognise either of the other books. Did you ever see that book D 1?—I believe I



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

did. I have a recollection of this book. This is D 1, the one with Mr. Brennan's handwriting in it.

97,470. When did you see that book?—I believe I took the books from the Land League offices to my own house for safety, after the Land League was suppressed.

97,471. Is there any entry in this book in your handwriting?—I believe not.

97,472. You can look through it if you wish to; probably you have looked through it already?—I have looked through it.

97,473. To the best of your belief there is no entry in your handwriting at all?—No.

97,474. Hand the book to me please (*the book was handed to the learned counsel*). Do you recognise any handwriting besides Mr. Brennan's in it?—Only the initials on the audit account.

97,475. This is confined entirely, is it not, to the relief fund?—Entirely.

97,476. To get this on the note clearly, the relief fund begins at page 1 and runs on to page 79?—And has the O'B. initials on it.

97,477. Every item there has got the initials O'B. against it?—Yes, that is an assistant of Kevans and Keene.

97,478. Then it begins again on page 120 and runs to 131. I wanted just to get from you, in order that we may understand it afterwards, when we come to point out some entries in the books, is O'B. the initials of a clerk who was in Keenan's and Keene's employment?—Yes.

97,479. What was his name?—O'Brien.

97,480. Was that the one you referred to as having previously gone to the place?—He had previously examined the account on behalf of Keevans and Keene about 12 months previously to my going there.

97,481. What I want to get from you is this, that the items which appear to have been examined by Mr. O'Brien have got his initials against them?—Yes, I recognised them at once before I was asked any question about it; when I saw the books.

97,482. With regard to the other entries in that book you cannot tell. There is no indication of any audit upon them?—No, I never looked at them until I saw them here.

97,483. You had better perhaps look at an account we have to call attention to afterwards which is called the expenses account. Can you tell me in whose handwriting that is?—No, I do not know it.

(*The Attorney-General.*) I propose to call Mr. Hardcastle afterwards to explain exactly what these books do show, in order that your Lordships may have it in a corrected shape, but I wish to get the history of them first from Mr. Phillips, as far as we can.

97,484. You do not recollect anything about that book except that you think that you took it for safety to your place?—No.

97,485. I ought to have asked you, D 2 and D 3, did you leave at Moloney's when you were arrested, or where did you leave them—the books I have asked you about?—They were in my house.

97,486. Do you know what happened to D 1, did it remain with you?—Which do you call D 1, the one you have just shown me?

97,487. The one I have just shown you, the mixed book, the book with the relief account in it?—That was in my possession, along with the cash book; one of the books I took away to my house after the Land League was suppressed.

97,488. It was in your possession until you were arrested?—Until I was arrested.

97,489. Do you know when it was handed over; do you know when it left your house?—I believe my wife will give evidence of that.

97,490. You do not know that yourself?—Only I knew my wife handed them over to somebody else afterwards.

97,491. Just look at D 4?—This is D 4.

97,492. Did you see that book at all?—Yes, I believe I had that in my house.

97,493. You think you had that book at your house?—I believe I had, yes.

97,494. Hand it to me one moment. In whose writing is D 4?—I believe there is a lot of Mr. Moloney's writing in it.

97,495. Do you recognise anybody else's handwriting besides Mr. Moloney's?—I did not look through it. I recognise Mr. Moloney's, but I did not look through it.

97,496. Just look and see if you recognise anybody else's (*handing the book to the witness*).



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

(*The President.*) There are a few pages later on, I think, there?—No, I do not recognise any handwriting there except Mr. Moloney's. I think there is some of Mr. Moloney's there. I would not swear to it.

97,497. You think there is some of Mr. Moloney's there?—I think so.

97,498. Your first answer led me to suppose that you thought the bulk of the entries were in his handwriting?—It looks very like it, if you compare it with the handwriting in the other bank account.

97,499. (*The Attorney-General.*) I wish to ask you some questions in detail, about what happened when the League was suppressed, with reference to the books. In the first place, do you remember the 17th of October, or the 18th of October, going to Holyhead?—I cannot remember the date.

97,500. Do you remember going to Holyhead?—I do, certainly.

97,501. Did you go more than once?—No, only once.

97,502. With reference to the suppression of the League, do you remember when it was?—No, I cannot recollect the date, it was about the 17th.

97,503. Who did you see at Holyhead?—I saw Mr. Arthur O'Connor and Mr. Biggar.

97,504. Were they both there, or did either of them go with you?—They were both staying at the Great Western Hotel at Holyhead.

97,505. Did Mr. Biggar or Mr. O'Connor come back with you to Dublin?—I saw Mr. Arthur O'Connor at the hotel; they were both there; Mr. Biggar came back with me.

97,506. That is what I wanted to get. Mr. Biggar came back with you?—Yes.

97,507. Where did he go to?—He came back in the morning and went to the Marine Hotel.

97,508. Did he go to Mr. Moloney's?—He waited there for a few hours, and then we drove up to Mr. Moloney's, at least, he drove up.

97,509. Did you go with him?—No, not from the hotel; I went up from Kingstown to report that he was in Kingstown, and they sent a telegram then that he was in Kingstown.

97,510. What I want to know is, whether you went to Mountjoy Square to Mr. Moloney's with Mr. Biggar, or not?—No; Mr. Biggar went there without me.

97,511. Did he return to Holyhead the same night?—Yes.

97,512. You, I think, saw him off?—I was amongst a party who saw him off; there were a good lot.

97,513. When the League was suppressed you have already told us you remained on in a different place. Were you still Kevan and Keene's representative?—No, Kevan and Keene chucked up the whole thing. When the League was suppressed they were afraid you know to have anything to do with it.

97,513. You then remained on?—I remained on, taking all risk myself that they refused to take.

97,514. Was anything done with the books and papers that were at the office at the time of the suppression?—Oh, yes.

97,515. What?—Well, I heard afterwards that they were all removed.

97,516. Do not tell us what you heard. In the first place did you see anybody doing anything?—No.

97,517. Who were the clerks who were in the employment of the League at the time of the suppression. Was there a man named Pearson?—Yes.

97,518. Was there a man named Tighe?—Yes.

97,519. Was there a man named O'Donoghue?—O'Donoghue, yes.

97,520. And was there a man named Farragher?—Yes.

97,521. Was there a man named Burton?—Yes.

97,522. Did you know Doriss?—Very well.

97,523. What was Doriss?—He was the clerk who was employed in the legal department.

97,524. Do you remember the names of any other clerks that were in the employment at that time?—I do not remember them, but if they were called to my recollection, I might.

97,525-6. I am not sure that I can at the present moment suggest any to you besides Doriss, Harrison, Pearson, Tighe—did I mention Burton?—Yes, you mentioned Burton; he was one of the principal men at that time.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

(Mr. Justice A. L. Smith.) You have not asked the witness about Harrison.

97,527. (*The Attorney-General.*) Was Harrison in the employment of the League at this time?—He was a sort of ex-officio member who came in, I think, towards the close of the Land League, and tried to assume a sort of authority.

97,528. Not a clerk you mean?—No, he was never a clerk; I do not know what he was.

97,529. When you say brought in, do you know who he was brought in by?—I think by Mr. Arthur O'Connor.

97,530. (*Mr. Justice A. L. Smith.*) Was there a man named Clifford there?—Yes.

97,531. And Monaghan?—I do not remember Monaghan.

97,532. (*The Attorney-General.*) What was Clifford?—Clifford was an ordinary clerk. I suppose paid about 1*l.* or 25*s.* a week, or something like that.

[Adjourned for a short time.]

97,533. (*The Attorney-General.*) I have to ask you about certain documents which you have shown Mr. Soames—in order to keep the matter in order of time if I can—look at that document and tell me in whose handwriting it is (*document handed to the witness*)?—I do not know.

97,534. Whose do you think it to be?—I am not at all sure about it.

97,535. Whose do you think it to be?—It looks like Farragher's; I could not swear to it.

97,536. Whose is this (*another document handed*)?—I remember the first handwriting in that better. Dennis O'Donoghue.

97,537. Is he the man you referred to as being a clerk?—Yes.

97,538. Is it all in Dennis O'Donoghue's handwriting?—No, there is another handwriting there I do not remember.

97,539. You mean under the name of Tighe?—Yes.

97,540. Where did these two documents I now hold in my hand come from?—From me.

97,541. When did you find them?—When did I find them? I did not find them: they came into my possession in the ordinary course of business.

97,542. When did you know they were in your possession; how long ago did you discover them?—When I went back from London a few weeks ago to destroy a lot of useless documents I had in my possession I found them.

97,543. You were removing from your house in Ireland to London?—Yes.

97,544. When you went back to overhaul your documents and make away with what were not required, you found these documents, is that so?—I believe I found those before I overhauled my documents; I found some list afterwards.

97,545. You found them on going back two or three weeks ago?—Yes; I believe I registered them and sent them to Mr. Soames before I went over and finally removed from Dublin to London. (*The documents were handed back to the Attorney-General.*)

97,546. The one in the handwriting of Farragher, that is on the Land League paper—there are two documents, one under the name of Farragher, the other under the name of Pearson. Was Farragher's address 17, Oranmore Avenue, Phibsboro'?—Yes, that is Farragher's address.

97,547. Was Pearson's address 20, North Frederick Street?—Yes.

97,548. Was Dennis O'Donoghue's address 10, Lower Abbey Street?—Yes.

97,549. Was Thomas Tighe's address 4, Talbot Place?—I do not know.

97,550. You do not remember—you do not know?—I do not know.

97,551. Look at those two documents and tell me whether or not anything happened in your recollection to any of those four persons—their having any documents given to them to take away or to take care of (*handed to the witness*)?—I remember being told to get a list of documents that they had in their possession, and go and see them.

97,552. From each of them?—Yes.

97,553. Did you do so?—I believe I went to Pearson's house, that was all.

97,554. You went to Pearson's house?—Yes.

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24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,555. Now just hand it back for a moment. [*Document handed to the Attorney-General*]?—I do not remember going to all of them; I do not believe I did.

97,556. You think the only one you remember going to was Pearson's?—Yes, I went to Pearson's.

97,557. Did you see these lists at any time, or not?—I got the list first before I went.

97,558. Did you get all four lists, two lists to four persons?—Yes.

97,559. Who handed them to you?—The different parties holding the documents.

97,560. I understand you to say these lists were handed to you by the four people respecting the documents they had?—Yes.

97,561. Now I suppose, without reference to the documents, you do not remember what Tighe had?—No.

97,562. Just look if you please, I want you to look at that.

(*The President.*) Let me look at that first, I cannot follow it. [*The document was handed to his Lordship.*] You have put in two, which is the one he has said to be in Farragher's handwriting.

(*The Attorney-General.*) The one or the other piece of paper; it begins with Farragher, and then Pearson.

(*The President.*) First of all, from whom do you say you received this document, which you say is in Farragher's handwriting?—From the writer of it.

97,563. From Farragher?—From Farragher, yes.

97,564. With directions to do what?—I received instructions, my Lord, to get a list of papers from all the different clerks who had removed papers from the Land League office, and to go and inspect them.

97,565. And you got this from Farragher?—I am not sure until I see the handwriting.

97,566. This, I understood you to say, was in Farragher's handwriting, and you got it from the writer?—Yes, that is the one.

97,567. Who was it told you to get this list?—Mr. Moloney.

97,568. Now then, with regard to the other O'Donoghue; whose handwriting is that?—That has two handwritings on it; I am not sure whether Tighe or O'Donoghue gave it me ultimately, but you see there is the handwriting, Dennis O'Donoghue on it, saying what documents he had got, and the other list of what documents Tighe had got.

97,569. You got that from O'Donoghue?—Either from O'Donoghue or Tighe.

97,570. In obedience to the directions which had been given to you to get the list?—To get a list of documents, my Lord.

97,571. (*The Attorney-General.*) What I want to get from you is, that at the time in 1881—the time of the suppression of the League—those papers came into your possession?—These papers?

97,572. Yes, they came into your possession at the time of the suppression of the League?—Certainly not.

97,573. How soon after?—I do not believe they ever came into my possession.

97,574. You say you got the documents from Tighe and O'Donoghue?—I got the list of documents they had in their possession.

97,575. It is my mistake, I am speaking of documents—these pieces of paper—you got these lists?—I got those lists.

97,576. From those persons at the time of the suppression of the League?—Afterwards.

97,577. You did not know of their being in your possession until you found them some weeks ago?—Not at all; these lists—not the documents.

97,578. You did not know of the lists being in your possession until some few weeks ago?—No.

97,579. Now I call your attention please to the document under the head of Pearson.

(*Mr. Sexton.*) My Lord, I will ask you to have these lists read.

(*The Attorney-General.*) Certainly.

(*The President.*) A copy has been handed to Mr. Lewis, I understand?



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,580. (*The Attorney-General.*) I will read it; will you follow me. (*The witness had the original documents.*) I will see if my copy is correct:—

“List of documents passed to Mr. Farragher.

“Ditto, Ditto, passed to Mr. Pearson.

“Mr. Farragher, 17, Arranmore Avenue, Phibsboro.

“1 file of receipts for cash received by secretaries, tenants, &c., &c.

“4 bundles of writs, ejectments, civil bills, costs, forms and vouchers, &c.

“Mr. Pearson, 20, North Frederick Street.

“1 box of wrappers, with names and addresses of secretaries of various branches in America.

“1 large supply of Mr. Healy's pamphlet.

“Do. of Mr. Parnell's speech on Land Bill.

“The county books.

“10 bundles of envelopes.

“Branch book.

“Large supply of enrolment cards for central office.

“1 parcel of Capt. Bell's pamphlet.

“Large supply of test case and force lease forms.

“1 letter book.

“Lot of old letters.

“Several county files.”

“List of documents passed to Dennis O'Donoghue:—

“Dennis O'Donoghue, 10, Lower Abbey Street.

“1 very old bundle of legal documents (of no use).

“James Tighe, 4, Talbot Place.

“1 lot of letters answered (sub.-matter League general).

“1 lot of letters answered legal.

“1 Amberg's letter file full of letters answered.”

Do you know what an Amberg's file is?—It is an alphabetical file.

97,581. What number of letters does it hold?—It depends upon the size of the file; you can get them all sizes. I do not remember the size of this particular file.

97,582. It is the name of the man who invented the file; it is called an alphabetical file. You put the letters in, and they are in alphabetical order at once.

(*The President.*) I should like to see that.

97,583. (*The Attorney-General.*) There are separate parts for each letter?—They are made in such a way you can put a thousand letters in one or a thousand letters under the different initial letters in the whole.

97,584. —

“1 Amberg's letter file full of letters (answered).

“1 Amberg's letter file blank.

“1 manifolding board.

“1 new branch book.

“1 new grant book (indexed).

“1 book land claims (entered in it).

“1 book organizers a/c.

“1 letter basket.

“3 small books (no importance).

“Some threatened eviction forms.

“Some civil bills of ejectment.

“Some writs.

“Some leases.

“1 case for holding note paper, &c.”

Now I understand you to say that in one case you went there to check the documents—that was Pearson, I think you said?—I went up and looked at them. I did not check them.

95,585. At Mr. Pearson's house?—Yes, I saw a box of the documents. He said there were the documents; and gave me a list, but I did not go through them.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,586. You stated just before that the Land League business was sometimes carried on at Moloney's and sometimes at your house. Who used to come to your house to carry it on when it was done at your house. Give me the names of the gentlemen. I want to know?—There were about two or three meetings of what I considered was the executive at the time.

97,587. Who were they?—Mr. Moloney, Mr. J. J. Clancey, Mr. Redmond.

97,588. Which Mr. Redmond?—I do not remember his initial—Mr. Leemy.

97,589. Those were the four?—Yes, those were the only four that ever came to my house.

97,590. Did you keep any rough cash book, Mr. Phillips?—Yes, a sort of petty cash book.

97,591. Were the same entries made in that as you afterwards posted in that cash book D. 3, or was it for other entries than those?—No, that was the disbursement of the large cheques drawn in the other cash book.

97,592. The rough cash book would not have the same entries, but would have other entries; it would be a cheque drawn, of course?—I debit myself in the petty cash book with a cheque drawn for petty cash in the other cash book, and then the account for the disbursement of it.

97,593. If you disbursed any money, it would appear in the petty cash book?—It would appear in the petty cash book.

97,594. Where was that book when you were arrested; in your house?—In my house.

97,595. You were arrested, I think you said, the 25th October 1881?—Yes, I think so.

97,596. How long were you in prison as a suspect?—Until after Christmas—about a week after Christmas Day.

97,597. 27th December?—About that.

97,598. Two days after Christmas?—Yes.

97,599. You came out and returned to your house?—Yes.

97,600. Had you taken to your house any documents yourself, besides those books you have mentioned, before you were arrested?—Not many.

97,601. How many books had you had there?—I took the book, the cash book that I had in use.

97,602. That I think we call D 3, is it not?—The ledger it was posted to.

97,603. You took the cash book D 3, and the ledger it was posted to. Had you D 2 too. This one?—It was not opened till afterwards.

97,604. When you were arrested, I am speaking of?—It was not opened until after the suppression of the League.

97,605. I am not speaking about the suppression of the League. I want to know whether this book was at your house when you were arrested?—Oh, certainly—no, I am not sure—no, it might have been at Moloney's house.

97,606. You are not sure?—No.

97,607. You knew this cash book was?—I knew that book was not at the Land League office when it was suppressed, because I did not know of it till long afterwards.

97,608. I am not speaking of the suppression; I am asking you about the books you had. You had there the cash book and the ledger, in which it was posted at your house when you were arrested?—Yes, certainly.

97,609. Had you there D 1 or D 4?—I believe I had one that has got the handwriting of Brennan in.

97,610. That is D 1. Had you the petty cash book there too?—Yes.

97,611. Had you other books, that you remember?—Oh, several.

97,612. What sort?—I had a petty cash book I opened for Mrs. Moloney accounting for her disbursements of petty cash in the same way I accounted for my own petty cash.

97,613. Anything else?—Of course there was the ledger you have not got there.

97,614. Anything else; you have mentioned that already?—No, I cannot remember. There seemed to me to be more books than I can remember, but I cannot remember to distinguish them.

97,615. You meant there were more books of the Land League, and you do not remember what they were, to distinguish them?—No, there seemed to be a lot of books in my house, but I am not very certain.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,616. Were they books you opened?—I had opened.

97,617. Will you turn to my Lord. You are quite clear, Mr. Phillips, there were others than these which have been produced?—Oh, quite clear.

97,618. You have mentioned the ledger specifically and the petty cash book, and Mrs. Moloney's petty cash book?—Yes; the cash book bears evidence on the face of it that it was posted to the ledger you have not got.

97,619. How did you come to take these other old land books to your house. Had you orders to do it, or did you do it of your own motion, or how?—I remember the circumstances. On the night about the time the suppression of the Land League was expected there were some of the clerks detailed over to Holyhead, and they took them.

97,620. "Detailed"; told off you mean?—Yes.

97,621. And they took them?—They took the books over to Holyhead.

97,622. Do you know who these clerks were?—Mr. Pearson, I believe, was the principal who had charge of them; there were others who went with him.

97,623. Do you remember who?—I believe Mr. Campbell was one of them.

97,624. Mr. Pearson and Mr. Henry Campbell?—I believe so.

97,625. Do you remember anybody else?—I do not remember anybody else.

97,626. You say there were some told off, or detailed, to take the books over to Holyhead?—Yes.

97,627. Did you see any of the books being packed, or did you see the men starting? No, I did not see the books being packed, and I did not see the men starting, but I saw Mr. Pearson with the books in his possession before he went.

97,628. You say you saw him with the books?—With a parcel of books in his possession.

97,629. Were they a parcel which you believe to have been books?—Certainly, I believe they were books.

97,630. Where did you see him?—At the office of the League.

97,631. Could you tell me about what date that was; was it the day of the suppression?—No, I believe the night succeeding the No-Rent Manifesto, somewhere about that date.

97,632. The night succeeding the No-Rent Manifesto?—I think so; about that night. I am not sure about the night.

97,633. I want you to follow this. You mentioned going to Holyhead and coming back with Mr. Biggar?—Yes.

97,634. Mr. Biggar going to Moun joy Square and then going back again to Holyhead?—Yes.

97,635. Can you tell me whether Mr. Biggar's visit occurred before the No-Rent Manifesto was issued or not?—Oh, certainly before—the night before.

97,636. Did Mr. Biggar come back from Holyhead to Dublin the night before the No-Rent Manifesto was issued?—Certainly.

97,637. Did you know before Mr. Biggar returned again whether the No-Rent Manifesto was going to be issued; did you know anything about it?—I knew nothing about the No-Rent Manifesto when I went to Holyhead with Mr. Biggar, and Mr. Biggar came back with me.

97,638. When did you first hear about the No-Rent Manifesto?—When Mr. Biggar returned, and the No-Rent Manifesto was read and I saw him off the same night at Kingstown.

(*Mr. Sexton.*) I wish to ask your Lordships whether this is evidence proper to be given about the No-Rent Manifesto.

(*The President.*) I do not think it is so far as the No-Rent Manifesto is concerned, but its bearing is upon the movement of the parties at the time.

(*The Attorney-General.*) My Lords, my sole object in this is to fix the specific date with reference to this.

(*Mr. Biggar.*) I might say this has been all proved long ago about my going to Holyhead. It is simply a waste of time; it has been all proved long before this.

(*The Witness.*) I think I have got the mail-boat ticket of the night I came back with Mr. Biggar, if that would be of any use.

97,639. (*The Attorney-General.*) I am obliged to you. The particular point I wish to get from you is that the No-Rent Manifesto was read while Mr. Biggar was at Dublin before he went back to Holyhead?—It was read between the night when he came



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

over with me and went back the same evening afterwards. If you want to fix the date I have got the mail-boat ticket.

97,640. How soon; was it the same night or the night after, that you saw Pearson with the parcel of books?—I cannot remember that; it might have been the night before. I imagine it was about that time; I cannot remember the date.

97,641. Now just look at this bill, please. It is already in evidence, my Lord. (*The bill of Reynolds & Co. was handed to the witness.*) Do you know of Reynolds and Sons fetching any furniture and things away?—Not until after it was over.

97,642. Did you see it?—No.

97,643. You did not see them doing it?—No.

97,644. What do you know about it?—I knew after it was over it had been done.

97,645. What do you mean by paying the bill, or how?—Yes, the voucher was presented to me to pass the payments to Burton—Burton had paid for it.

97,646. Mr. Burton the clerk who has been mentioned, had employed Reynolds and paid 1l. 10s.?—Yes, and I passed the voucher and paid the money afterwards.

97,647. You stated that there were at your house a considerable number of old Land League books. Were these four that were produced, or any of them besides those, there when you got back out of prison after being released about the 23rd December. Were the books still there or not when you came back. Were you imprisoned at Kilmainham?—No, I was in Armagh.

97,648. When you came back from gaol, and got back to your house, were the books still there, or had they gone?—Which books?

97,649. The books which you had taken to your house at the time of the suppression of the League, or which were in your house at the time you were arrested?—The books I have stated were there?

97,650. Yes?—Yes.

97,651. Were they still there, or had they gone?—No, they had gone.

97,652. You only know from your wife when they had left your house—that is all?—Yes, I did not know anything about their removal.

97,653. Now, do you remember Mr. Soames calling upon you about certain documents?—Mr. Soames did not call personally.

97,654. Who did call?—Mr. Morphy.

97,655. Is he a solicitor?—I believe so.

97,656. However, after Mr. Morphy called upon you, Mr. Soames called upon you?—No; I called upon Mr. Morphy and met Mr. Soames there.

97,657. I do not know whether you have seen copies, or have you seen a number of documents which have been produced by Mr. Soames which he stated came from you. Have you seen copies of them?—I have not seen a list of them.

97,658. Have you seen several of them?—Yes.

97,659. Will you just explain to my Lords exactly how those documents came to be in your possession. First I will ask when did you hand those over to Mr. Soames?—On Whit Monday of last year. I can fix that date.

97,660. Whit Monday of 1888?—Yes.

97,661. Where?—At Knaresborough Place.

97,662. That is in London; Mr. Soames's private house in London?—That is his house, yes.

97,663. Will you explain how those documents came to be still in your possession?—At the time I was arrested, my Lord, there were a considerable amount of documents in my possession. The same day that I was arrested a detective called at night to inquire of Mrs. Phillips—

97,664. (*The President.*) A detective called?—A detective called at night after I had gone.

(*The Attorney-General.*) Of course I shall call Mrs. Phillips. We must not have what passed. A detective called, go on.

(*The President.*) Not even that. He did not see him.

(*The Attorney-General.*) No, I agree.

97,665. (*The President.*) What was the next thing? I suppose we may take it he was told?—There was a lot of documents lying about my desk. I know that of my own knowledge.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

(*Mr. Sexton.*) If your Lordship has no objection, we have no objection that the witness should tell the story in the fullest way.

(*The President.*) I am much obliged to you. I was only doing it in the interest of those charged.

(*The Attorney-General.*) I have already stated I am going to call Mrs. Phillips; therefore the information as to the actual facts can be admitted.

(*The President.*) Mr. Sexton has allowed it.

(*The Witness.*) I had in my possession a great number of documents that were locked up and under proper control, but documents lying about the room when the detective called were thrown up on to the top of a wardrobe with a large cornice round it—a deep cornice. Mrs. Phillips gave up all the documents in her possession at the time as she thought, and when I was released from prison and afterwards removed the contents of my house to another house, I found a lot of these old documents that had been thrown up out of the way for the purpose of secrecy, to take care of them. I found them on the top of the press—on the top of the wardrobe—and kept them. Those are the documents that Mr. Soames has now, a very small quantity.

97,666. (*The Attorney-General.*) Those are the documents you handed to Mr. Soames?—Documents which were simply lying about the room at the time.

97,667. You had, I think, some illness in your house at the time, had you not?—The children were ill with scarlet fever, or something of that kind?—When I was arrested my only child was dangerously ill.

97,668. You say a few of these documents. We know the number altogether, 20 or 30. Do you remember the actual number of documents you handed over to Mr. Soames?—Oh, a little bundle, which I suppose you could put into a cash box.

97,669. What proportion in quantity would that bear to the number of documents that you had previously had, which your wife gave up. I will ask you who she gave them up to presently?—About two sacksful, I think, she gave up.

97,670. To whom did your wife give them up?—To Mrs. Moloney, and her brother Mr. Macready.

97,671. Whose brother?—Mrs. Moloney's brother, Mr. Macready.

97,672. Then your statement come to this. That your wife gave up to Mrs. Moloney and the brother the documents except those which happened to be on the top of the wardrobe?—Certainly.

97,673. Those you found when you came out again and put together and kept when you removed your house, and they remained in your possession till you gave them to Mr. Soames?—By accident, yes.

97,674. Now I must identify the last of the lot. The others have been identified in Mr. Soames's evidence already.

(*The President.*) Yes.

(*The Attorney-General.*) You have mentioned that you went back and you found, when you were looking through your documents the other day, some few more. Where did you find those?—Oh, amongst a whole lot of old letters and papers in my writing desk. I might be able to find some more yet, if I had time to look through them.

97,675. They are not very important except that I wish them to be in the hands of the Commission; but among them was that letter which I think has been read and produced this morning respecting the 5*l.*—Butterfield's letter. That was among them, was it not?—Oh, yes.

97,676. Was that one of the documents you found when you went back some few weeks ago (*Phillips No. 6*)?—I could not tell. If Mr. Soames says it was, it was.

97,677. Did you give Mr. Soames a list of them?—I did.

97,678. Very well. I will call him as to that?—I could not remember, I believe it was. I think it was from that blue writing on it. I think it was one of them.

97,679. Do you remember whether you found those too (*Phillips No. 5, No. 7, and No. 9*)?—Oh, yes. I remember this by the torn end of the letter. "Disbursement of cheque 407*l.* 10*s.* 0*d.*" Yes, that was one of them. That blue writing, too, was one them. I remember it.

97,680. Do you remember finding that one of November 4th, 1881, to Mr. Moloney about a grant to a man in America (*Phillips, No 10*)?—Yes, that is one of them.

97,681. You also found, I think, this document, "Instructions to inspectors," signed by Miss Anna Parnell (*Phillips, No. 3*). Do you know whether it is in your own handwriting or only a copy?—That is my own handwriting.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,682. How did you come to write that out?—I copied it from the document.

97,683. On whose instructions?—I think I copied it out of curiosity to keep a copy for myself.

(*The President.*) Is that a document we have had?

(*The Attorney-General.*) I do not think it has been read yet. It was handed to the Commission. It was handed to Mr. Cunynghame a week or 10 days ago.

97,684. (*The President.*) Is this the one you said you copied (*Phillips No. 3*)?—Yes, my Lord, that is my handwriting.

(*The President.*) “Inspectors should not under any circumstances make speeches.” That seems to be a sort of instruction. It is general, is it not?

(*The Attorney-General.*) Yes.

98,685. Did you receive that letter after the suppression of the League (*Phillips No. 66*)?—Certainly, I obtained it.

(*The Attorney-General.*) This, my Lord, is from Mr. Arthur O Connor to the witness:—

“ Station Hotel, Holyhead,  
Oct. 18th, 1881.

“ Mr. Phillips,

“ Dear Sir,

“ In the absence of the secretary, or assistant secretary, Mr. Harrison is  
“ in charge of the office; and you will be good enough to refer to him for  
“ advice in any matters not falling into the financial or legal departments.

“ I am,

“ Yours very truly,  
ARTHUR O'CONNOR.”

97,686. On the 20th October 1881, did you also receive that from Mr. Arthur O'Connor (*Phillips, No. 8*)?—Yes.

27,687. That is—

“ I enclose you a letter from Mr. O'Toole.

“ Please forward him a cheque for 20*l.*, on a/c.; and ask Mr. O'Toole to  
“ furnish you with a full statement of his expenses with proper vouchers for such  
“ expenses.

“ I am,

“ Yours very truly,  
“ ARTHUR O'CONNOR.”

Do you know who Mr. O'Toole was?—No; I am not sure about that Mr. O'Toole.

97,688. You also found that receipt, I think, among your papers of the 22nd November 1881 from James O'Connor to Mr. Moloney for 10*l.* (*Phillips No. 11*)?—Yes.

97,689. Now how many rooms were there occupied by the Land League at the Land League offices altogether?—I could not tell you. It was rather a large house. I do not even remember whether they occupied the ground floor now.

97,690. What I want to know is, what should you say was the bulk of documents. You have spoken of yourself having two sacks, and you have given a list of documents given by another person?—The two sacks of documents I had in my possession had nothing to do with the offices of the Land League, because they came into my possession after the Land League was suppressed.

97,691. I understand that. What was the number of documents? Could you give us a rough estimate of the number of documents in the Land League offices at the time of the suppression—letters, and books, and documents, forms, and all that sort of thing. Can you give me any estimate of the quantity?—I should not like to. It might be about a ton, perhaps, or something like that. That would be a very rough estimate. It may have been half a ton or two.

97,692. You mean a very considerable quantity of that character?—Yes, certainly; a lot of documents.

Cross-examined by Mr. SEXTON.

97,693. Amongst all the documents that were in the office of the Land League, or amongst all the documents that you have produced, can you point the attention of their Lordships to any document which appears to you to prove conduct of an illegal or questionable character on the part of anyone connected with the League?—I have not



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

produced any documents that were in the Land League office at the time when there was any Land League.

97,694. Can you point to any document which you have produced which appears to you to suggest to their Lordships the inference that there was illegal or questionable conduct on the part of anyone connected with the League?—I never looked through them; I could not tell you. I could not enumerate anything in connexion with the documents at all. Mr. Soames looked through them alone. I do not know anything that is connected, or what is in them at all.

97,695. You had a general knowledge of the documents in the office before you left it?—But the documents which are produced by me were not in the office; they never were.

97,696. Will you answer my question?—I am; I am trying to.

97,697. You had a general knowledge, I presume, of the documents in the office before you left it?—Yes, certainly.

97,698. Does your memory enable you to say that any document that you ever saw in the offices of the League proved or suggested illegal or questionable conduct on the part of anyone connected with the League?—No, certainly not.

97,699. Do you attach that character to any document which you have yourself produced?—The character of the documents I have produced I am perfectly unacquainted with. Mr. Soames knows more about them than I do. I never looked through them. There are some documents which have been produced to me now which I never looked through.

97,700. Does your knowledge of the documents produced to you to-day?—No, not to-day.

97,701. Or the documents put in by Mr. Soames enable you to say there was such conduct on the part of anyone connected with the League?—Certainly not.

97,702. Was there to your knowledge in the League offices any general class of documents indicating illegal conduct?—Not to my knowledge, no.

97,703. Can you suggest to their Lordships any reason why, if there was anything in the documents which you have produced worthy of the attention of their Lordships in this case, no step was taken to destroy these documents?—When?

97,704. At the time of the removal of the books and the general breaking up?—On the side of the Land League do you mean?

97,705. Yes, certainly?—Because they had not the opportunity.

97,706. Before the papers were taken from the offices?—They were never taken from the office.

97,707. Surely the documents of the League were all at one time in the office?—But the documents that I have produced were never in the office of the Land League; at least they might have been at some time.

97,708. I am speaking of documents that were in the League offices?—I do not know anything about them.

97,709. You have produced a list of papers initialled by officers of the League?—Yes, but I do not know anything at all about the documents themselves.

97,710. You are not aware of any attempt ever made to destroy any papers of the League?—Why would I be?

97,711. Are you, or are you not?—I am not, certainly.

97,712. Can you suggest any reason why such a careful record of documents was kept by people against whom the presumption is raised here, that they were engaged in an illegal course, and that these documents afforded evidence of it?—No, of course I cannot. Those people could be produced themselves.

97,713. We are aware of that, but I am at present asking you some questions?—I know nothing about them at all.

97,714. Did anyone connected with the League ever suggest to you to destroy any document?—Is it a document connected—

97,715. Any document whatever?—Is it a document connected with yourself?

97,716. I am asking you a plain question. Did anyone connected with the League ever suggest to you to destroy any document connected with the League?—My Lord, I humbly submit Mr. Sexton has no right to ask me questions connected with the whole Land League.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,717. (*The President.*) But he is entitled to cross-examine you and ask you that question, at any rate, and in my opinion you ought to answer it?—By what right I do not know.

97,718. (*The President.*) Well, never mind; I have decided that he has the right, and therefore you must answer?—Very well, my Lord. Will you put the question again, Mr. Sexton? I want to understand it.

97,719. (*Mr. Sexton.*) Did anyone connected with the Land League suggest to you to destroy or make away with any document connected with the Land League?—Never, and I never did.

(*Mr. Sexton.*) I now, my Lord, ask for the originals of the two lists and also Reynolds' bill.

97,720. You were for a number of weeks discharging business on the part of the League and had cognizance of the general course of business. I want to ask you whether if all the documents you ever saw in connexion with the Land League were produced in this Court you could point now to anyone that would suggest to their Lordships that there had been criminal or questionable conduct?—Not one that I know of.

97,721. When did you get the originals of these two lists handed in to-day?—I found them in my desk at home the other day when I went home.

97,722. The question I have put to you as to the documents I now put to you as to the books. If any book that you ever saw in connexion with the business of the League were produced in Court, does your memory enable you to say whether you would point to any entry that will suggest that there had been illegal or questionable conduct?—I never saw any books connected with the Land League only those that are produced.

97,723. Surely you have sworn to-day there was a ledger and a petty cash book which have not been produced?—Oh, but the ledger and the petty cash book was only an old ledger that was posted into from my cash book. I never went back into the accounts prior to 10th October 1881.

97,724. No matter what it was. Did it contain any entry of the kind I indicate?—But I say I never went into it prior to the 10th October 1881.

97,725. Well, after that?—It might have done.

97,726. After that?—After that I was arrested in November.

97,727. In the six weeks of interval was there any entry made?—In the six weeks there was nothing I remember—no.

97,728. Nor in the petty cash book?—Well, I cannot remember all the entries in the petty cash book.

97,729. Does your memory enable you to indicate any entry of such a character in it?—I cannot remember that petty cash book at all.

97,730. You do not remember there was such an entry in it?—No, I cannot remember that there was. It is so very difficult to remember an entry in a cash book, you know, after a lapse of time.

97,731. Well, you appear to have an excellent memory for details. You say that Mr. Maloney directed you to obtain these lists?—Yes.

97,732. At what date?—After the date of the suppression of the League when the documents were taken away by those men to see that they had got them all right.

97,733. Fix it more closely if you can?—I can fix the suppression of the League to within the 17th or 18th October. You know the date of the suppression better than I do.

97,734. You were not in prison, and I was at that date. That will give you one advantage. At any rate the direction was given to you by Mr. Maloney, between the 20th October, when the League was suppressed, and the 25th November, when you were arrested, I presume?—Oh, certainly; yes.

97,735. Within that period?—Yes, immediately after. A day or two after you might fix it—a day or two after.

97,736. Did you obtain these lists directly from the persons named?—I believe so, yes.

97,737. The four persons named?—Yes.

97,738. Farragher, Pearson, Donoghue, and Tighe?—Yes, or one or other of them.

97,739. At that time?—About that time.

97,740. At that time?—Within those two or three days, yes.







24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,749. You are not aware of anything relevant to the case in these lists?—No, I know nothing at all about them.

97,750. Can you tell of any other documents except those contained in these lists removed from the Land League office, and if so, who had them?—No.

97,751. You cannot, I understand?—No, not of any other documents.

97,752. You said that Mr. Pearson lived at 20, North Frederick Street?—Yes.

97,753. Do not you know that his house was in Blessington Street?—Whose house?

97,754. Mr. Pearson's house, the clerk of the League?—You ought to know where it is very well.

97,755. Well, I know it is not in Frederick Street. Do not you know that it was Mr. Pearson's father who lived at 20, North Frederick Street, and Mr. Pearson had a house of his own?—Do not I know? It was at Mr. Pearson's father's I saw the papers.

97,756. You were speaking of where Pearson lived, the clerk of the League. Was he not a householder in Blessington Street?—It was at Mr. Pearson's father's house, where you lived, that I saw the papers.

97,757. I am speaking now of the house where Mr. Pearson, the son, lived?—I do not know where Mr. Pearson's son lived. I saw him there once, but I do not know what the number of the house was.

97,758. You have sworn Mr. Pearson, the clerk of the League, lived at 20, North Frederick Street. Does not he live in Blessington Street?—I am speaking of Mr. Pearson's house where I saw the papers. That is in Mr. Pearson's house in 20, North Frederick Street, where you lodged.

97,759. I suppose you know I was arrested on the 20th of October, a week before any of these transactions arose?—I do not know when you were arrested. I did not take any interest in it.

97,760. You do not know?—No.

97,761. You do not know I was arrested on the day next after Mr. Parnell's arrest?—Indeed I do not. I could not even tell you when Mr. Parnell was arrested.

97,762. Then evidently you did not take much interest in current affairs?—Not a bit.

97,763. I read to you this passage from Reynold's account. "To carriage of furniture and other property from Upper Sackville Street to Mountjoy Square and Blessington Street." What house in Blessington Street is referred to there?—Not North Frederick Street.

97,764. No, to what house in Blessington Street?—I paid that account.

97,765. Surely that is no answer?

97,766. (*The President.*) What is the house?—The furniture was removed to Mr. Moloney's house in Mountjoy Square.

97,767. (*Mr. Sexton.*) And Blessington Street? What house in Blessington Street?—There was not much removed there.

97,768. No, to what house?—I do not know.

97,769. Do you still say Mr. Pearson, the clerk, did not live in Blessington Street?—I am certain he did.

97,770. I see. How do you account for the circumstance that in Reynold's account the removal is said to have taken place to Blessington Street where Mr. Pearson, the clerk, lived, and not to Frederick Street?—By the fact that I always saw the papers at the house in Frederick Street where you lodged.

97,771. Yes, but I put it to you that according to the account——?—I never saw any documents there at Blessington Street.

97,772. You have handed in this yourself to-day?—No, I have handed in a voucher for a payment for the removal of the papers.

97,773. That is what I am reading from?—Yes, but I have not said I saw the documents there.

97,774. No, but I am putting it to you, how do you account for the circumstance that the removal, according to this bill, took place to Blessington Street?—Well, I can account for what I saw myself, that I saw them at the house where you lodged in Frederick Street.

97,775. You evidently decline to answer the question?—No, I do not. I say I never saw any documents in Blessington Street.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,776. According to the voucher which you paid, upon the account which you yourself paid?—Yes.

97,777. The removal took place, in the first instance, to Mountjoy Square, Mr. Moloney's house?—Not in the first instance. There was a vanload went to Mountjoy Square.

97,778. And the rest went to Blessington Street?—There was only a box that might have gone to Blessington Street, in the first instance, but it afterwards went to the father's house where you lodged in Frederick Street.

97,779. Do you deny that the removal took place to Blessington Street?—I deny that a vanload went to Blessington Street, quite decidedly.

97,780. Why does no record appear here of any removal to Frederick Street, but only to Blessington Street?—I do not know anything about a record. I do not want to see a record. I claim the vanload went to Mountjoy Square and went to Frederick Street where you lodged.

97,781. You say in this entry that the removal was to Blessington Street?—I know nothing at all about it.

97,782. Do you now suggest the removal did not take place to Blessington Street?—I suggest that account has nothing to do with the vanload of furniture that went to Moloney's house and to 20, Frederick Street. They might have taken a box-load there; that I know nothing at all about.

97,783. Do you say there was another removal not mentioned in this account?—No, the removal was in the same van. Surely a vanman can deliver a vanload into one house, and to two or three houses afterwards.

97,784. There was no other removal than that mentioned here?—Not that I know of.

97,785. This account says the removal took place to Blessington Street?—No, it does not. It says to Mountjoy Square.

97,786. And Blessington Street?—Yes; but it does not say to Frederick Street as well.

97,787. Exactly, that is the point I am putting to you, that there is no record of any such removal to Frederick Street?—Yes, but I say I did not know anything about the removal till the voucher was presented to me for payment, and I paid it.

97,788. Does not it accurately record what happened?—No; the receipt of documents you have got there accurately records that there were documents in Frederick Street, I believe.

97,789. No, it makes no such record.

(*The Attorney-General.*) He is speaking of the other receipt.

97,790. (*Mr. Sexton.*) Please to read it yourself?—No, not that receipt.

97,791. (*The President.*) Is there another receipt?—No, that receipt of documents of Pearson's.

(*The Attorney-General.*) He is speaking of the lists, my Lord.

97,792. (*Mr. Sexton.*) Is there any other record of removal except that? How do you describe this book D 2? What do you call it?—I call it a copy of counterfoils—of cheque blocks.

97,793. You say it is not a cash book?—No, decidedly not.

97,794. Does it not contain a daily entry of cash receipts, and a daily entry of payments by cheque?

(*Mr. Justice A. L. Smith.*) What is that number?

(*Mr. Sexton.*) D 2.

97,795. And a daily entry of payments by cheque?—No, I think not.

97,796. Together with the name of the payees and the number of the cheque?—It is a copy of the counterfoils of a cheque block; that is all.

97,797. Is it a record of cash receipts and of cash payments, giving the name of the payee, and the number of the cheque?—No.

97,798. Is it not totalled up? Are the amounts not carried forward, and is the account not balanced at intervals and the balances carried forward?—No, I think not.

(*Mr. Sexton.*) I ask your Lordship to look at the book.

97,799. You kept also a petty cash book?—Yes, two or three.

97,800. Would not that book D 2, which contained a record of all cheques, and the petty cash book, which contained a record of payments otherwise than by cheque, be, put together, a complete cash record?—No, I should think not.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,801. In what respect would they be defective?

97,802. (*The President.*) You have been asked a question which you have not answered?—Yes, my Lord, I am waiting to look at the book. [*The book was handed to the witness.*]

97,803. (*Mr. Sexton.*) I want you to suggest to their Lordships if you can, in what respect that book before you is defective, how it fails to fulfil the function of a cash book when you consider there was also kept a petty cash book, in which payments not made by cheque were entered. I suggest to you that the two classes of payments are a complete record?—The balance starting the book is not vouched.

97,804. I am not speaking of vouching. I am speaking of the character of the book?—I do not know whether the balance starting it is correct or not.

97,805. I am speaking of the character of the book itself apart from the circumstances whether or not there was an audit?—I should say it was probably pretty correct up to the time I had finished with it.

97,806. Can you suggest any detail or circumstance in which that book, supplemented by the petty cash book, fails to fulfil every function that a cash book can fulfil?—But it only fulfils its function as you call it for about a month.

97,807. Well, so far as it goes?—So far as it goes, yes.

97,808. Of course it could not go farther?—No.

97,809. Then I understand that book and the petty cash book taken together are complete cash records of transactions during the periods which they cover?—For about a month.

97,810. Yes, for the time which they cover?—Yes.

97,811. With regard to the other book, which begins from 1879, can you suggest any respect in which that book fails to fulfil the function of a cash book?—I never examined it.

97,812. Then you do not make such a suggestion in regard to it?—Oh, no.

97,813. You were asked a question by Mr. Justice A. L. Smith in regard to a man whose name has not yet been mentioned in evidence, as having been connected with the Land League as member or official.

(*Mr. Justice A. L. Smith.*) What man?

(*Mr. Sexton.*) Monaghan.

(*Mr. Justice A. L. Smith.*) Yes, it is mentioned. I took it from somewhere because I had a private note of it. It must be somewhere but I cannot tell you where.

(*The Attorney-General.*) I can find it. It is in the evidence. There is a receipt put in.

(*Mr. Justice A. L. Smith.*) I am sure it must have been mentioned, because I did not know the name anyway else.

97,814. (*Mr. Sexton.*) Have you ever seen that man?—I do not know anyone of that name.

97,815. You never saw him at the offices of the League or anywhere else?—I do not think so. If I saw him I cannot remember him, but I do not remember him by name.

97,816. Are you aware he had no visible occupation, and was suspected of being a police spy?—I do not know anything at all about him. I could not remember him when I heard the reference made here. I could not call him to mind at all.

97,817. I understood you to say there was an old ledger into which you have made entries, and also a petty cash book at your house after the suppression of the League?—I believe so, yes.

97,818. Can you suggest how we, the parties charged in this case, could produce to the Court books that were at your house after the suppression of the League?—I cannot, of course.

(*The President.*) Well, of course, he cannot. I should like you to know what is passing through my mind. What we have suggested several times is that you (I do not mean you individually, but you and those who act with you) ought to have exerted yourselves to find these books; that is the point.

(*Mr. Sexton.*) I may say for myself personally I should have been delighted if I knew how.

(*The President.*) Well, that is the way it has been pressing upon my mind, at least.

97,819. (*Mr. Sexton.*) Were not these books at your house when you were arrested?—All these books that have been produced to-day were.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,820. I am speaking of the old ledger and the petty cash book, two books not produced; were they at your house?—Yes.

97,821. When you were arrested?—Yes.

97,822. When were they removed from your house?—By Mr. Moloney afterwards.

97,823. Do you know that?—My wife will prove that.

97,824. (*The Attorney-General.*) She is coming, Mr. Sexton?—Oh, they were certainly removed. If you have any doubt about it you may remove that.

97,825. (*Mr Sexton.*) A detective visited your house on the night of your arrest?—Yes.

97,826. What was his name?—I do not know. It was contradicted.

97,827. What was contradicted?—His name was contradicted in the paper by a letter.

97,828. What name was contradicted?—There was a letter appeared in the "Freeman's Journal," signed by Detective Prandy, that it was not he who called.

97,829. Saying that he was not the person?—That he was not the detective who called at the house.

97,830. Do you know whether he was or not?—No, I do not.

97,831. You never heard the name of the man who did call?—No.

97,832. Did he remove anything from your house?—Not a thing.

97,833. Could he have taken the ledger or the petty cash book?—No. It was on account of him calling that the few documents I have were preserved. My wife was taking too great care of them.

97,834. At any rate the ledger and the petty cash book were in your possession a considerable time after the League had been suppressed?—No, I did not say so.

97,835. What time then; how long?—The next day, I think. They were not in my possession at all after I was arrested.

97,836. Up to the time of your arrest?—Up to the time of my arrest of course they were, yes. Then they were in my wife's possession. I believe the next day or the day after the visit of the detective was Sunday. It was on a Sunday morning, I believe. Mrs. Maloney called with her father's brougham and with her brother and removed them.

97,937. About your duties; did you act under the direct supervision of Mr. Maloney?—No, not anyone particularly.

97,838. Under whose supervision?—There was no supervision.

97,839. Did letters come addressed to you at your house on the business of the League?—Certainly.

97,840. From whom?—Hundreds of them.

97,841. From whom?—All over the country.

97,842. From whom? Indicate, generally, the class of person?—Organisers, secretaries of committees, or presidents of committees—a crowd of people like that.

97,843. Did they regularly write to you?—Yes.

97,844. Did you consider yourself under any obligation to show their letters to Mr. Maloney, or to anyone?—Yes, somebody or another. I would not act upon my own responsibility.

97,845. You felt yourself under responsibility to show every letter you received to someone?—Certainly.

97,846. And to take direction upon it?—Just in the same way that you would. As a member of the executive, you would not act on your own responsibility, would you?

97,847. Precisely, I am suggesting that to you. You would think it necessary to submit them to someone and take directions?—Yes, someone.

97,848. Then you say you filed them then? You say you filed the letters?—I kept them in drawers.

97,849. Where did you file them?—In my own house.

97,850. Where is your house?—23, North Circular Road.

97,851. I believe you are an Englishman?—Yes.

97,852. And you have served in the army?—Yes.

97,853. What rank did you hold?—In the army?

97,854. Yes?—Well, I was a sergeant before I was 21.

97,855. When did you leave the army?—About 1875 or 1876. I forget now.

97,856. When do you say the documents produced by you passed out of your possession?—Passed out of my profession?



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,857. Yes?

(The Attorney-General.) You mean to Mr. Soames,

97,858. (Mr. Sexton.) Yes?—Not until last year. They remained in my possession from 1881 until last year.

97,859. Did the documents pass out of your possession in consequence of any overture made to you or in consequence of any overture made by you?—Not a thing, no.

97,860. Which was it; did you volunteer to produce them, or were you asked about them?—Well, I can relate the circumstance, if that would give your Lordships any assistance.

97,861. Yes, that would be convenient?

97,862. (The President.) Yes?—I was called upon in Dublin by Mr. Morphy, the Crown solicitor, and asked if I would give evidence as to handwriting.

97,863. (Mr. Sexton.) Mr. Morphy is an official of the Crown?—Crown solicitor—if I would give any evidence as to handwriting.

97,864. Whose handwriting?—As to handwriting in connexion with any member of the Land League. So I said I did not remember handwriting very much; but he asked me would I call upon him at his office the next morning, that was a Saturday morning. I called at his office on Saturday morning, and I met Mr. Soames there.

97,865. Do you know who suggested to Mr. Morphy that you might be able to give him the evidence?—I have not the slightest idea.

97,866. After you went, then what happened?—I told Mr. Soames that in connexion with identifying handwriting that I had a few specimens of that up in my own house, and that if he would call up I would show them to him. Mr. Soames called up, I believe, on Sunday morning (I think it was), and I showed him some specimens of handwriting, amongst them some of Mr. Campbell's and others.

97,867. When was that, what date?—I believe it was about a week before Whit-Monday of last year.

97,868. Did Mr. Soames at that time make any suggestion to you about any compensation for your trouble?—Oh, no, not a word.

97,869. How were you employed at that time?—A public accountant.

97,870. Where?—In Dublin.

97,871. Had you an office of your own, or were you employed in any office?—Oh, I have had a very good private practice.

97,872. What is the nature of it?—Well, auditing for different people.

97,873. Casual work for different people?—Casual work for different people, yes.

97,874. You have removed your residence from Dublin to London?—Well, I believe I have; yes.<sup>3</sup>

97,875. Given up your house in Dublin?—Yes.

97,876. Before or in consequence of your removal from Dublin, was any assurance given you as to your future?—No.

97,877. Have you been employed at all in London?—No.

97,878. How long have you been here?—Nearly 12 months now.

97,879. How much money have you and your wife received since the date of your first interview with Mr. Soames up to this date?—Oh, I have kept no account of it.

97,880. Well, I suppose you would be able to give us some approximate amount?—No stated amount; only different sums on account of expenses.

97,881. How much have they come to?—In 12 months?

97,882. Yes?—Well, I suppose two or three hundred pounds, perhaps.

97,883. 200*l.* or 300*l.* on account?—I should think so, yes.

97,884. Has Mr. Soames conveyed to you any intimation, such as we have frequently heard in different forms of words in this Court, that after your evidence had been given he would not treat you in any niggardly fashion: anything to that effect?—Oh, not at all.

97,885. What do you expect to get?—I do not expect to get anything.

97,886. You do not?—Except a settlement for fees. I expect to get my fees paid.

97,887. What balance; what would you expect?—I expect to get paid two guineas a day for the whole time I have been here, and hotel expenses.

97,888. That is a year. That is 700*l.* more in addition to the 300*l.* you have received?—Oh, no; I have got my hotel expenses paid.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,889. You expect a couple of guineas a day?—Certainly; why would not I.

97,890. Certainly; I think the "Times" can well afford to pay it for a year?—No, for the time I have been here.

97,891. You have been here a year, I thought?—No, I have been back and forwards, you know.

97,892. What would you call the time you have been here?—I suppose seven or eight months; about eight months.

97,893. That would be 250 days. 500*l.* in addition to the 300*l.* you have received; is that so?—Yes, near about.

97,894. You think when the "Times" have paid you 830*l.* your claim would be properly discharged?—No, I did not say so; you say so.

97,895. Would you say so?—You make it out, the difference between 300*l.* and 500*l.* would be 800*l.* I do not.

97,896. No; excuse me. You tell me you have been here eight months, about 250 days, at two guineas a day; that would be 500*l.* Is that what you are expecting to get?—You say I have received about 300*l.* and that I expect to get 800*l.*

97,897. Do you expect to get 500*l.* more?—Indeed I do not.

97,898. How much then?—I do not know,

97,899. Two guineas a day for every day you have been here?—Oh, I do not know.

97,900. (*The President.*) Has any promise been made to you of any remuneration beyond what you are legally entitled to?—Not at all, my Lord; nothing of the sort.

97,901. (*The President.*) All the rest is immaterial?—I was in the O'Donnell and Walter case. I was paid my fees of two guineas a day, and I expect to be paid the same fees now for the time I have been here.

97,902. (*Mr. Sexton.*) Did you give up your house in Dublin, and the good practice you enjoyed there, without any assurance as to your future from Mr. Soames?—Without any assurance. I imagine I can do better in London.

97,903. Were you arrested under Mr. Forster's Act?—Yes.

97,904. What was the charge?—Oh, I forget. I wanted to get the warrant back afterwards, to get it framed.

97,905. You were about three weeks in prison?—No, about a month.

97,906. Did you sign an undertaking before you were released not to take further part in the business of the League?—Yes, certainly.

97,907. Did you, after signing that undertaking, request Mrs. Moloney to give you fresh employment?—No.

97,908. You did not?—No.

97,909. You say you did not ask Mrs. Moloney, and that Mrs. Moloney did not refuse?—I had no occasion.

97,910. Did you go to Mrs. Moloney after your release?—No.

97,911. At all?—I do not remember having seen her.

97,912. Will you say you did not go?—I am certain I did not.

97,913. Did Mrs. Moloney assist your wife while you were in prison?—She paid my salary while I was in prison. She did not assist my wife in the sense that you want to put it.

97,914. I assure you I mean nothing of that kind. You were no longer performing your duty and the payment of your salary was an act of grace?—No, it was not.

97,915. How?—I was in the employ of the League.

97,916. Surely you were not discharging any duty while you were in prison?—Yes, I was.

97,917. What was it?—The duties that I engaged to discharge when I undertook the responsibility and at the risk of arrest.

97,918. You consider being under arrest was in itself a duty?—Certainly.

#### Re-examined by the ATTORNEY-GENERAL.

97,919. You have been asked about removing to London. Did anything happen to your house which made you move or how did you come to move? Just explain to my Lords, please?—I considered that I could do a better business in London than I could in Dublin.



24 July 1889.]

ALEXANDER J. PHILLIPS.

[Continued.]

97,920. Did anything happen to your house though in Dublin, or to yourself or your family?—Nothing, only the prejudice that might arise from my connexion with this case.

97,921. I understand you had been previously carrying on business on your own account getting employment where you could?—Not getting employment where I could; but it was certain employment.

97,922. Getting certain employment. Was that continued or withdrawn?—Well, some of it was withdrawn. On account of being over here I lost it. It was not continuous.

97,923. And you thought you could do better over in London?—Yes.

97,924. You have been asked about arrangements for money being paid to you while in prison. Had any arrangement to be made in consequence of risk of arrest?—No, not at all. I was simply paid my usual fees while I was in prison the same as when I was out.

97,925. Had anything been said or any arrangement made with Mr. Moloney or anybody on behalf of the Land League as to your being paid in the event of arrest?—No, I think they said that they would hold me safe if I was arrested when I resigned my appointment with the firm of accountants I was employed for.

97,926. Then you had a fixed employment with Kevans and Keene?—Yes.

(*The President.*) He has said this before.

(*The Attorney-General.*) Yes, I understood so.

97,927. You said just now that these documents you produced never were at the Land League office; I want to understand exactly what you mean. You left them at your house. Now, such for instance, as the letter to Mr. Quinn of 27th September. Did that come straight to your house (that is one of those produced), or had that been removed from the Land League offices to your house?—No, it came into my possession in connexion with some other correspondence afterwards; probably as being attached to some letter or something like that.

97,928. That having been at the Land League office came to you in connexion with some later correspondence?—Yes.

97,929. Any documents that were of a date before the 10th October would not have gone direct to you, or before the 10th October would not have gone direct to your house, but would have gone to the Land League offices?—Had the Land League offices been in existence.

97,930. I say up to the suppression?—Up to the suppression, yes.

97,931. Up to the suppression the documents would go to the Land League offices?—Yes; but after that they came as being documents attached to some other papers that came.

97,932. That is what I want to get clear. After the suppression documents of an earlier date which had been in the Land League office may have come to you in connexion with other documents with which you had to do business?—Certainly. They were not removed by me.

Mrs. PHILLIPS sworn; examined by the ATTORNEY-GENERAL.

97,993. You are the wife of the last witness?—Yes.

97,994. Do you remember the time of your husband's arrest?—Yes.

97,995. Where were you residing at the time?—North Circular Road.

97,996. Dublin?—Yes.

97,997. Prior to the time of your husband's arrest, had any books or documents come to your house?—There were a lot of documents and books in our house all the time my husband was working for the Land League. I did not notice particularly how they came there.

97,998. They were there in his house up to the time of his arrest?—Yes.

97,999. You remember his arrest? We were told, I think, it was the 12th November?—November.

(*Mr. Justice A. L. Smith.*) The 25th.

97,940. (*The Attorney-General.*) The 25th November. What became of those documents?—I gave them all to Mrs. Moloney.

97,941. How did you come to give them to Mrs. Moloney?—She came for them.



24 July 1889.]

MRS. PHILLIPS.

[Continued.]

97,942. She came for them before your husband's arrest or after your husband's arrest?—After my husband's arrest. After my husband's arrest Mrs. Maloney came with her brother and took two large sacksfull.

97,943. She came with her brother, did you say?—Her brother, Mr. Macready.

97,944. What was the brother's name?—Mr. Macready.

97,945. Had Mrs. Maloney been to your house before she came for these documents?—Yes, she had been to the house and taken some other larger books away.

97,946. When had she done that?—I could not say when—soon after my husband was arrested.

97,947. At the time had you done anything with any documents besides those which Mrs. Maloney took away?—No.

97,948. Do you remember any documents on a wardrobe?—Yes, they were thrown up when the detective came, because we were rather nervous about it, and of course I denied that there were any documents belonging to the Land League.

97,949. Where had you found them when you threw them up on the wardrobe? Where were they—in your husband's desk, or where?—They were strewn about his desk.

97,950. And you gathered them together and put them up?—Yes.

97,951. And denied the existence of any Land League documents. The detective did not search your house at that time at all?—No, he did not.

97,952. The detective took no documents away?—No.

97,953. Did Mrs. Maloney and her brother come with Mrs. Maloney when she took in the first instance?—No, a lady—one of the Land League ladies.

97,954. Do you know her name?—I forget her name. I think Miss Stritch was her name.

97,955. Were they driving or walking?—They were walking.

97,956. How did they take them away?—It was at night they came. They took the books by night. In the day they came—one Sunday morning; they came in a carriage.

97,957. They came at night and took away the books?—In the evening.

97,958. Miss Stritch and Mrs. Maloney?—Yes, Miss Stritch and Mrs. Maloney.

97,959. Then on the Sunday morning they came driving?—Mrs. Maloney and her brother came driving and took them away in two sacks.

97,960. What were they driving in?—A brougham belonging to Mrs. Maloney's mother.

97,961. Then that cleared out the books and documents you had, except those which were afterwards found on the top of the wardrobe?—On the wardrobe, yes.

97,962. Then I suppose nothing else happened until after your husband came up?—Nothing.

97,963. Did you ever see the documents again?—Never.

97,964. Did anything pass between you and Mrs. Maloney when she took them away?—Yes, I helped her put them in the sacks.

97,965. You helped to pack them up?—Yes.

97,966. What sort of documents were they?—I did not notice the documents, but I noticed there was a very large parcel of No-Rent Manifestos.

97,967. Anything else?—I did not notice anything else.

97,968. Do you remember any counterfoil cheque books—counterfoils of cheques—blocks of cheques you call them, I believe?—Yes; a cheque book I gave to Mr. Maloney the day my husband was arrested, and another small book, a petty cash book I think it was.

97,969. The stumps of cheques, or the cheque book and the petty cash book you gave to Mr. Maloney the day your husband was arrested?—Yes.

Mr. HARDCASTLE recalled; further examined by the ATTORNEY-GENERAL.

97,970. Since you were examined—since the date of the opening of the case by Sir Charles Russell—I think you have had those books D 1, D 2, D 3, and D 4 submitted to you?—I have.

97,971. One question before I go to dates. D 3, the book spoken to by Mr. Phillips, is, I believe, a cash book?—Yes, it is so.



24 July 1889.]

MR. HARDCASTLE.

[Continued.]

97,972. Except that, is there any cash book among these books?—No.

(*Mr. Sexton.*) May I ask whether your Lordships consider this is evidence in rebuttal in respect to the charges and allegations?

(*The President.*) It is not in rebuttal, but the whole question of the accounts is open, it stood over, and this is only a continuation of what we were not able to go into at that time.

97,973. (*The Attorney-General.*) Just tell us what period is covered by D 1?—D 1 commences on the 23rd December 1879.

97,974. And goes up to?—It consists of several parts, I ought to say.

97,975. I am going to that presently, I want to get the extreme period first?—The very earliest date is the part called the “expenses account.”

97,976. Just answer the question first; the earliest date is the 23rd December 1879, what is the latest date. I think it is the 16th October 1880.

(*Mr. Justice A. L. Smith.*) There is one on the 23rd March 1881 we have had already.

(*The Attorney-General.*) Not in this book D 1.

(*The President.*) I thought you began with D 3.

(*The Attorney-General.*) I put the question first with regard to the character of the book.

(*The President.*) You have gone on to D 1. I had missed that.

(*The Attorney-General.*) It was my fault; I was merely getting the answer first, that D 3 was the cash book.

(*The President.*) I did not notice the transition.

(*The Witness.*) The latest date in this book is the portion that relates to the relief fund—that is March 1881.

(*Mr. Justice A. L. Smith.*) That is what I said.

(*The Attorney-General.*) Your Lordship is right.

97,977. Then there are entries in this book from the 23rd December 1879 to March 1881?—To the 23rd March 1881.

97,978. I have to ask you some details about it presently. Now take D 2; we know that that is the book kept by Mr. Phillips and Mr. Moloney from the cheques; what period does that cover?—From the 8th October 1881 to the 1st September 1882.

97,979. (*Mr. Justice A. L. Smith.*) That is D 2?—D 2, yes.

97,980. (*The Attorney-General.*) Now D 3, the cash book?—D 3 covers a portion of the same period as D 2, namely, from the 10th October to the 12th November 1881.

97,981. Therefore the cash book is confined to the period from the 10th October 1881 to the 12th November 1881?—Yes.

97,982. D 4, what period does that cover?—It commences on the 4th February 1881, and goes up to the 30th July on one side, not quite so far on the receipt side; the 30th July 1881.

97,983. Have you examined the books with the banking accounts, to see how much money is accounted or unaccounted for in the books that are produced?—Yes, I have.

97,984. Will you just tell me first the total amount—what are the moneys unaccounted for?—In the organisation account of the Land League, the principal account?

97,985. Yes?—In the principal account there is 16,447*l.* unaccounted for, after I have exhausted all means that I have of explaining the nature of the entries which appear in the intervals between these books.

97,986. That is to say, accounting for everything that you can possibly find, or trace, or account for, as, for instance, investments or transfer, or anything of that kind, there 16,447*l.* 9*s.* 6*d.* unaccounted for?—Yes.

97,987. Unaccounted for?—Unaccounted for.

97,988. Is there also a sum in the relief account unaccounted for?—Yes, there is the relief account as appearing in this book which shows before the date at which its balance was transferred into the No 1. account, and there is a sum of 1,787*l.* 11*s.* 9*d.* unaccounted for. I cannot give that with quite the same accuracy, because I am slightly in doubt as to some outstanding cheques which might have increased it rather.

97,989. What is the amount of the Ladies Land League unaccounted for?—The total payments are 75,071*l.* 7*s.* 9*d.* I am enabled to explain 1,435*l.* 3*s.* 7*d.*, so that 75,636*l.* 4*s.* 2*d.* unexplained.



24 July 1889.]

MR. HARDCASTLE.

[Continued.]

97,990. Being a total amount of money unaccounted for of how much?—93,871*l.* 5*s.* 5*d.*

97,991. You have not included in that any of the items of what has been called the “link” account?—No, I have not; those are during the period during which the organisation accounts of the League were open up to the end of August 1882.

97,992. Now this D 1; just tell us what you find in D 1; in the first place do you find a relief account?—Yes, the book commences with the relief account.

97,993. Will you just tell us do you find whether or not the Relief account has any ticks against it. We have heard the explanation this morning; is there anything indicating that those items have been gone through by anybody?—Yes, the items in the relief account have these initials in red ink.

97,994. O. B.?—O. B.; there are also some pencil ticks in the book.

97,995. Just state the pages, that we may have it on the note that cover the relief account?—The relief account occupies from page 1 to page 79 inclusive, it is then carried forward to page 120, and continued down to page 139 inclusive.

97,996. What other accounts do you find in the book D 1?—I find the particulars corresponding with the bank account, known as No. 1 account, the organisation account of the League which commences on page 100.

97,997. (*The President.*) I want a description of that; I do not understand your description?—This book contains particulars corresponding with the bank accounts which I have already examined at the Hibernian Bank, and in the portion which I first described, commencing at the beginning of the book, are particulars relating to the relief account.

97,998. I have passed the relief account; then do you mean that this is what Sir Henry James described as an “echo” of the bank book?—It is, my Lord, precisely, only it contains the names of the payees of the cheques, and in most cases in the book the number of the cheque as well.

(*Mr. Justice A. L. Smith.*) As regards this account, the “echo” as we call it, from when to when?

97,999. (*The Attorney-General.*) When does it commence?—It commences on the 10th November. I was wrong in saying the 23rd December, that was the first payment, the first lodgment on the 10th November 1879, and the last date on the payment side is the 16th October 1880.

98,000. Then so far as the expenses are concerned, it covers a period of about 10 months?—Yes.

98,001. You had better tell me now or later on the total amount dealt with in that period?—The total amount dealt with in that No. 1 account in Book 1 is, receipts—

98,002. (*Mr. Justice A. L. Smith.*) Is that the relief account?—No, the organisation account.

98,003. (*The Attorney-General.*) I am confining myself entirely to one account; the echo account?—Receipts 12,713*l.* 19*s.* 4*d.*; payments 11,958*l.* 6*s.* 8*d.*

98,004. Do those receipts agree with the receipts in the bank accounts?—They do.

98,005. You have analysed or endeavoured to obtain some information from those accounts; it is better I should get a complete statement before I go to that. When do you next find any entry of anything of the same character as this expense account: are there any more in that book?—There is an expense account commencing on page 80, which differs in its character altogether from those which I have been describing.

98,006. What date do you give first?—That commences on the 21st October 1879, and it goes down to the 29th December.

98,007. (*The President.*) Of what year?—1880, my Lord, when it is stated to be carried forward, but it is not carried forward in this book.

98,008. (*The Attorney-General.*) I want just to get first from you that those two accounts, No. 1 account, and the expenses account, overlap the same period?—They do.

98,009. Cover the same period?—Yes.

98,010. Not exactly?—Not exactly, but they are going during the same time.

98,011. What is the total amount dealt with in the expenses account?—2,648*l.* 9*s.* 3*d.*, but a portion of that is represented by cheques drawn on the banking account of the No. 1 account.



24 July 1889.]

MR. HARDCASTLE.

[Continued.]

98,012. The echo account?—The echo account, if I may call it so; of which cheques fuller details are given in the expenses part of the book than appear in the echo account.

98,013. It amounts to this, I want to get it clearly, if I can, that out of the 11,958l., I think that is the figure you gave?—Yes.

98,014. What figure appears on the expenses account?—1,702l. 15s. 7d.

98,015. Does that finish the amount in book No. 1, before I ask you some questions about them?—Yes.

98,016. Will you just tell me, in the No. 1 account made up in the order of the cheques in the bank book as they appear in the pass book?—Yes, the No. 1 account is.

98,017. Is the expenses account also made up in the same way or not?—The expenses account is not confined to cheques drawn on the bank.

98,018. Then the expenses account must have been made up from some other materials?—Oh, clearly.

98,019. Besides the mere bank book?—Clearly, for the large proportions of the items do not correspond with the cheques drawn on the bank.

98,020. So there must have been some materials from which the expenses account was made up, both from the order in which the items appear, and from the information contained in the items themselves?—That is so.

98,021. Is it possible to judge of the order, whether they are made up from the cheques, or whether there was anything besides the counterfoils of the cheques which was required, confining yourself at present to the items of the expenses account?—In the expenses account the items for which they are corresponding cheques appear in the expenses account in batches, so that it would appear as if they were written up from the cash outlay, and every now and then there are items of expenditure for which cheques were drawn, entered up in the book.

98,022. Then it would seem to follow from that, that there must have been some cash book from which some of the entries in the expenses account must have been made up?—There must have been some record.

98,023. Some record from which the details of some of the items must have been made up?—Presumably, yes.

98,024. I think it will be convenient, before I attempt any analysis, if you will now just tell me what is shown during the next period for which there is any book at all, by which I mean from the 4th of February 1881 to the 30th of July 1881, D 4?—Yes; this is D 4.

(*The Attorney-General.*) I have no doubt that it is in your Lordship's mind, but it may be convenient to have it upon the note. D 2 and D 3, relate exclusively to after the suppression. D 1 and D 4 relate to certain broken portions before the suppression.

98,025. What periods are covered by D 4, and what are the particulars of the accounts you find in D 4?—The receipts in the book D 4 are 19,670l. 17s. 5d., and the payments, which extend over rather a longer period than the receipts in this book, 24,333l. 2s. 10d.

98,026. Is there more than one account in D 4?—Yes; D 4 contains both No. 1 account and the relief account.

98,027. We may dismiss the relief account for the moment. Is the relief account brought forward from the previous book?—No, it is not brought forward. It commences at the 4th of February without the balance having been agreed with the closing point of the previous book.

98,028. Is it audited or ticked in the same way as the previous book, or not?—No, it is not.

98,029. In the relief account the auditing seems to have stopped at the earlier book?—Stopped at the earlier book, and did not go quite to the close of the earlier book.

98,030. In D 4 what do you find besides the relief account. What is the other account?—There is a safety account, so called, dealing with the sum of 1,000l. which corresponds with the bank account in the name of Dr. Kenny, at the Sackville Street branch of the Hibernian Bank, known as No. 2 account.

98,031. And the other account—you call it expenses account, or has it any other name?—There are only these three accounts—No. 1, or organisation account, relief account, and safety account.



24 July 1889.]

MR. HARDCASTLE.

[Continued.]

98,032. From what materials is the No. 1 account apparently made up, the organisation account?—For the first 16 pages in the book the items follow in the same order in which they appear in the bank ledger.

98,033. Down to what date would that be?—That was to the 20th of June, when the book was first balanced.

98,034. 20th June 1881?—1881. At that date the book was balanced; the outstanding cheques are entered, and the fresh items written in are in the order in which the cheques were drawn, following the order in the counterfoils.

98,035. Have you any material to trace whether in that account there are any entries that must have come from other sources of information than the bank books and the cheques. I am speaking now of D 4?—There are particulars which presumably would be contained on the counterfoils of the cheques.

98,036. Or might be continued?—Might be; those are particulars that would be unusual on the face of the cheque, but beyond that there is no evidence of any other source of information.

98,037. You do not find that batch of cheques occurring in that account with some other items that may come from another source?—I have nothing whatever in D. 4 corresponding with the expenses account of D. 1, as to the payments.

98,038. At the period from the 4th of February 1881 to July 31, 1881?—Yes, as to payments that is. The receipts stop short at the 19th of July, the last date at which this book was balanced.

98,039. I must ask you to take very shortly D 3 first, which is the cash book. I can dismiss this with one question, that is I understand manifestly made up from memoranda or some notes of payments, in the ordinary way a cash book is made up?—The ordinary way is to take either the cheques themselves or the cheque counterfoils, inasmuch as it contains the serial number of the cheques against the item. There is also a posting folio column posted into a ledger.

98,040. Posted into the ledger?—Posted into the ledger.

98,041. Now this D 2, that is to say the book which runs right up to the 31st August 1882, first with regard to the order of the cheques in that, does that follow in order?—Yes, it commences with a bank balance on October 8th, which corresponds with the bank ledger; then are entered all the cheques outstanding at that date, when the book is opened; and after that it follows the order of the counterfoils of the cheques.

98,042. Does that order of the counterfoils of the cheques run right through to the end?—Yes.

98,043. Then I take it that must have been made up from the counterfoils cheques and not from the pass book, because the order is different?—From the counterfoil cheques, yes.

98,044-5. Not from the pass book?—Not from the pass book because when they balance the books they make allowances for the outstanding cheques which could only be ascertained from the counterfoils.

98,046. I particularly wish you to turn to the last page and backwards to the last three pages, 31st of August 1882; must those counterfoil cheques have been in existence from which those entries must have been made as late as the months of June, July, and August 1882. Do you follow me?—Yes, they were recently used, clearly.

98,047. And there must have been the counterfoil cheques in existence. the account is made up right?—Clearly the counterfoils from which that is written up must have been in existence.

98,048. It is made right up to that very date in different order to that which is in the pass book?—Yes.

98,049. Are you able from anything in that document to say whether there was any information from any cash book, or anything besides the counterfoil cheques. Of course it is possible, I know, to tell from the character of the entries?—No, there is nothing, no reference, this book is quite self-contained.

98,050. What I meant to ask you was, from the character of the entries, the length of the entries, or the words, does it occur to your mind, as an accountant, that there would be more than the counterfoils, or might it all be on the counterfoils?—It might all be on the counterfoils.



24 July 1889.]

MR. HARDCASTLE.

[Continued.]

98,051. (*The Attorney-General.*) You have made a series of analyses in a tabular form of certain payments, which I will ask to call your attention to. I do not know whether it would be convenient for your Lordship to break off now.

(*The President.*) Except that, of course, I expected you would come to something in a tabular form; if you have them there would it not be wise to hand them in?

(*The Attorney-General.*) Certainly, my Lord; but I am afraid they have not been copied.

(*Mr. Sexton.*) I should ask your Lordship whether the Attorney-General means to suggest that any of the money of the Land League, or any part of it, was not devoted to the purpose for which it was subscribed; or simply that the accounts are defective, and they do not show the appropriation.

(*The President.*) Perhaps I had better leave the Attorney-General to answer that.

(*The Attorney-General.*) I am afraid I am not able to answer that, my Lord.

(*The President.*) I will answer it as far as I can understand it for your guidance. I should imagine, and I have been following it with this idea in my mind, that the object of it is to show a very large sum the disposal of which has not been accounted for.

(*Mr. Sexton.*) I submit to your Lordships that in the banker's account it is clear that the money received was appropriated, and the evidence before the Court is that the accounts showing the detailed appropriations are defective—that they do not cover the whole period.

(*The President.*) I was only endeavouring to assist you. That is the way in which I conceive that this is material to show that there is a large amount unaccounted for, but of course that will be argued upon.

(*The Attorney-General.*) I think it is only fair to say to Mr. Sexton, I wish to give him every assistance I can fairly, that of course I am going to point out the particular point your Lordship has referred to—an utter absence of accounting for large sums of money. It must not also be understood that I make an admission that simply because money has gone into a particular account it was dealt with in a particular way.

(*The President.*) That is what I meant when I made the remark.

(*Mr. Sexton.*) I understand from Mr. Hardcastle that the Ladies Land League expended 75,000*l.*; I suppose there is no suggestion that the ladies embezzled the money?

(*The President.*) No, I do not understand any such suggestion to be made.

The Court adjourned until to-morrow at 10.30.







**“Uncorrected Proof.”**

**SPECIAL COMMISSION ACT, 1888.**

ROYAL COURTS OF JUSTICE,  
PROBATE COURT, No. 1,  
Thursday, 25th July 1889.

Mr. HARDCASTLE recalled; further examined by the ATTORNEY-GENERAL.

98,052. Have you taken out of the books the total amount paid for legal expenses as disclosed?—Yes.

98,053. Will you give my Lords the gross amount?—The gross amount shown in the three books D 1, D 4, and D 2 is 9,390l. 3s. 10d.

98,054. That is independent of a large sum paid to individuals. A number of names appear, in which cases you are not able to trace the purpose for which the amounts were paid?—That is so.

98,055. That is merely where you are able to trace it?—Merely where I am able to know where it was legal expenses.

98,056. Have you also taken out a list of sums paid to Mrs. Moloney?—Yes. That is in book D 2, the last of the series.

98,057. What is the amount?—The amount is 3,166l. 14s. 8d.

98,058. You have the list of Mrs. Moloney's payments?—Yes, this is the list (*produced*), 3,166l. 14s. 8d.

98,059. You have also, I think, the list that was referred to by Sir Henry James, which I wish to identify, for moneys paid to W. F. Moloney?—Yes, there is one 483l. 8s. 5d. in the last book.

98,060. I wish to ask you one question with reference to the amount of money that was expended in the interval between the books D 1 and D 4 as shown by the bank books; is it 20,196l. 16s. 1d.?—Yes, 20,196l. 16s. 1d.

98,061. And between D 4, and D 2, 11,389l. 5s. 7d.?—That is right.

98,062. I think you have also made an estimate of items taken out, of which there is no explanation of any kind or sort, from the books, is that 9,944l. 19s. 2d.?—These are the items for which we have names, but there are cases in which the names afford no kind of information as to what the payment was.

98,063. Names of persons or places, but no information of any kind?—The names of persons sometimes coupled with places.

98,064. I have one other question I forgot to put yesterday. You mentioned the expenses account of which there was 2,668l. 10s. 3d. between the 21st October 1879 and the 29th September 1880. Is that the right figure? I think I quoted accurately. I am not sure whether you did not slightly correct the figure yesterday?—The expenses account.

98,065. Yes, I can quote the figure in a moment from the evidence.

(*The President.*) 2,648l. 9s. 3d.

(*The Attorney-General.*) That is it.

98,066. Of which you traced through the bank, how much?—1,408l. 5s. 2d.

98,067. Which during that nine months would show something like 1,200l. cash, which never went through the bank at all?—That is to say it shows an expenditure of 1,200l. for which we cannot trace any cheques drawn.

98,068. That is to say, there must have been some other source from which the money was obtained besides the bank account?—Presumably.

(*The President.*) Mr. Biggar, I see you are here; do you wish to put any questions to Mr. Hardcastle.

(*Mr. Biggar.*) Not at all.



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

(*The President.*) Or any one else?—I see no one else.

(*The Attorney-General.*) My Lords, there is one matter which I think ought to be explained to your Lordships in some way, and I would suggest to you how I propose to do it. Your Lordships directed a large number of documents which were said to be in existence to be examined. These were examined, and Mr. Cunyninghame has seen them. They were examined by Mr. Graham, and Mr. Askewith, and Mr. Gwynne James on behalf of "The Times," and I think there were some persons present. I think Mr. Campbell on the other behalf. I should ask your Lordships kindly yourselves to look at one of these books, or documents—they are in the possession of the Court—to see the class of document.

(*The Secretary.*) They are not in the possession of the Court. The agreement made was that they were to be brought one by one, and those which were not wanted were to be taken back again.

(*The Attorney-General.*) I should propose to read a statement which is supplied to me by Mr. Graham and my junior, Mr. Askewith, as the result of their examination, or perhaps your Lordship would think it right that Mr. Graham, or Mr. James, or Mr. Askewith should make the statement as the result of their examination; but I thought we ought to communicate with the Court, so that your Lordships may take any means of ascertaining how far it is necessary to go into this. We should propose to state to your Lordships what is the result of the examination. It occurs to us that your Lordships ought to know exactly what is the condition of the documents that have been produced and shown to the Court.

(*Sir H. James.*) Mr. Askewith is here, and I think he ought to make the statement.

(*The President.*) I think Mr. Askewith may make the statement, as he was counsel. It is the usual form; we take the statement of counsel.

(*The Attorney-General.*) That is exactly what occurred to us. I think, my Lords, in order to supplement the statement I might say this: knowing that your Lordships might probably require this information, we gave notice that the boxes should be here, or one of them. I think two years were mentioned, in order, if necessary, that your Lordships might see how far it would be necessary to check the summary made by Mr. Askewith and Mr. Graham.

(*Mr. Asquith.*) I inspected the letters with Mr. Graham part of the time, and Mr. Gwynne James for the other part of the time with Mr. Campbell, and part of the time with Mr. O'Connor. The procedure was for Mr. Campbell to hand the letters to Mr. O'Connor, who examined them, and then passed them on to me, taking some of the letters which he said were private for further consideration. We examined between 3,000 and 4,000 letters. Mr. Campbell allowed me personally to inspect the letters which he set aside as private letters sufficiently to satisfy myself that they had no reference to the League, and a few were similarly inspected by Mr. Cunyninghame. The result was that all the letters contained in five large tin boxes were seen by Counsel. The letters relating to the League are few in number, and the majority of them have been set aside and copied, and copies have been furnished to your Lordships, so that you could see the character of the correspondence. Out of 1,088 letters in 1884, to take one instance, 42 were set aside as having a remote connexion with the League, four letters and three telegrams from Mr. Deasy formed the only correspondence with Members of Parliament out of this number. There are no letters from Members of Parliament in the whole series except about one dozen on immaterial matters, but telegrams, begging letters, requests for autographs and photographs, orders for the House, birthday congratulations, and trivial bills have been preserved. I understand from Mr. Graham that the early year 1881, which I did not myself examine, was not divided as the letters of later years have been, but in 1882 all the letters were carefully arranged by months; the letters of 1883 were divided some by months, and some by lettered bundles according to the letter with which the name of the correspondent commences; thus letters from V. B. Dillon are in packet D. The lettering system is followed in subsequent years, and each letter or communication put into half a sheet of rough paper on which there is an endorsement of date, name, as well as place from which the correspondent writes, carefully placed. Frequently the answer or direction how the answer is to be given has been written in shorthand by Mr. Campbell on the rough enclosing paper, or the letter itself; Mr. Campbell translated the shorthand notes whenever requested to do so. In a few cases references are made to enclosures



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

which are not forthcoming. On several occasions before opening the packet I informed Mr. Campbell that I proposed to take notes of the character of the correspondence therein. Such packets were selected entirely at haphazard. I have here a packet for 1884 which shows the whole of the letters which were contained in that packet. They are under the letter D. There are in all in this packet 89 letters, 22 from England, two from Scotland, 65 from Ireland, of which nine letters were from one Charles Dawson relating to various private matters more or less, nine from Mr. V. B. Dillon on the Migration Society, and the Irish Land Purchase and Settlement Company, one about candidates for Parliament, two on Bills before Parliament, one cutting from a paper on some matter in Dublin, and another cutting from a paper on the Mammtrasna case, two requests for orders for House, four requests to consider grievances, three letters from Mr. Deasy, three telegrams from Mr. Deasy, one receipt for cheque, 18 begging letters, four letters from priests, four requests for seats, one demand for funds paid in sustenance of suspects, one request for photograph. We inspected the correspondence to the end of 1885, and finding nothing material to the League or to the case ceased with the end of that year.

(Mr. Sexton.) I was unfortunately not here when Mr. Hardcastle was examined this morning. I should like to ask him some questions. Will the Attorney-General give us now the documents he promised to furnish us with?

(The Attorney-General.) I think they have been handed in this morning. I think I can state to Mr. Sexton the evidence Mr. Hardcastle gave this morning. That the amount for legal expenses was 9,000*l.* odd; I did not take the actual figures down myself.

The shorthand writer read the evidence.

Mr. HARDCASTLE recalled.

98,069. (Mr. Sexton.) Mr. Hardcastle, your evidence is highly technical, of course; it consists, I mean, of figures, but I wish to obtain from you, if you will kindly allow me a few words, what I take to be the point of your evidence. First, with regard to the National League, I understand that you have been able to examine the accounts kept by the League for the whole of the period directed by the Court?—Yes.

98,070. The accounts kept by the League itself?—The accounts kept by the League itself.

98,071. Did you ask for all the accounts which you thought necessary for your purposes?—No, I made no personal request for the accounts; I inspected the books which were at Mr. Lewis' office.

98,072. Did you have at your hand all that you thought necessary for your purpose?—I had a cash book, a minute book—

98,073. Two cash books, I think?—Two cash books, yes, but one following the other; a minute book.

98,074. (The Attorney-General.) This is the National League?—The National League: there was the cash book, the minute book, and ledger, into which the cash book was posted, but no vouchers or cheques.

98,075. (Mr. Sexton.) But, as a matter of book-keeping, the materials in your hand were sufficient, I understand, to enable you to carry out the orders of the Court?—As a matter of book-keeping, the material I had in the cash book was sufficient to afford an ordinary *prima facie* explanation of the entries in the ledger.

98,076. In other words, the materials were sufficient to enable you to ascertain whether the moneys were, in your sense of the term, "accounted for"?—Oh, yes.

98,077. Did you find these records of the National League placed in your hand covering the whole period contemplated by the Court; did you find these records to be regular, accurate, and full?—Yes, I think I might say so.

98,078. I am referring now to the National League?—To the National League, precisely.

98,079. Which was never interrupted in its business by suppression?—Quite so.

98,080. Did you have practically the same materials placed in your hands which you would have had if you had been engaged to examine the accounts of any firm or public company?—No, we should have had vouchers in such a case as that.



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

98,081. I am not speaking of vouchers for the purpose of auditing the accounts?—If it was for the purpose of auditing the accounts I should insist upon the production of vouchers.

98,082. But for the purpose of ascertaining whether the moneys were accounted for, whether there was a regular record?—As to the existence of the record what I had was sufficient.

98,083. You made no inquiries for vouchers?—I did not call for vouchers, I merely examined what was submitted to me.

98,084. Then I take it you have no prejudicial comment to make with regard to the National League as to the fulness or accuracy of the records kept for that part of the period?—I think not as records.

98,085. I take it that the money of the National League is, in your sense of the term, properly accounted for over the whole period from its inception to the last day that you engaged to examine in the books?—Yes, the record in the books is in itself complete, but of course it does not in all cases trace the money to its ultimate destination.

98,086. Might not that happen in the books of any undertaking or establishment?—Yes, admittedly.

98,087. There is nothing peculiar in it, or questionable in it?—No, I think not.

98,088. Now, I turn to the accounts of the Land League; we have heard before and after this Commission opened that various sums of money named have not been accounted for; it varies from 200,000*l.* I believe you gave the total sum in your own words unaccounted for as 93,000*l.* odd?—During the period of the Land League.

98,089. The whole period of the Land League, yes?—Yes, that is my recollection of it.

98,090. I wish to ask you as to this term “unaccounted for,” which is technical, and might mislead. I ask you whether every penny of the funds of the Land League which you have specified, whether every penny is accounted for in this sense, that every penny that was paid into the banking account was drawn out by cheque, and stands in the bank book as drawn out?—Necessarily, because the figures I gave were only those that I took from the banking account.

98,091. The receipts or counterfoils in the bank book?—The receipts are taken from the bank book, and necessarily in that sense accounted for by them.

(*The President.*) Mr. Sexton, the point is how it was expended.

(*Mr. Sexton.*) I am coming to that; I wish, first, to make clear the amount expended on the banking accounts.

98,092. I understand from your account of the four books, D 1 to D 4 inclusive, that there was a period of the operation of the Land League not covered by any one of these books?—There were two such periods.

98,093. Would you kindly indicate precisely when those periods were?—Yes, of these three books in order of date, I may call them three, because Book D 2 is covered only as to a portion of the period to which it relates by the Book D 3, which is somewhat ampler in detail, therefore, practically speaking, we are dealing with three books. D. 1 commenced at the beginning.

98,094. D 3 covers a part of the period covered by D 2?—Precisely, and affords somewhat ampler particulars with regard to that period. D 1 commences with the opening of the Land League account, and D 2 gives the close of that account; the book D 4 gives a period in the middle of the interval between D 1 and D 2. The dates I can give you.

98,095. Yes, I want the periods for which you have no book?—I think it would appear from the evidence given yesterday.

(*The Attorney-General.*) Do you object to my stating it, Mr. Sexton?

(*Mr. Sexton.*) Not the least.

98,096. (*The Attorney-General.*) I am dealing with the expenses account, not the relief account, and there is no entry between the 16th October 1880 and the 4th February 1881?—That is so.

(*The Attorney-General.*) Or between the 30th July 1881 and the 8th October 1881?

(*Mr. Sexton.*) Thank you.

(*The Witness.*) And in the case of receipts the date should be given from the 20th July as against the 31st July for payments; the book was balanced on the 20th July, and no receipts were entered subsequently to that date.



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

98,096A. (*Mr. Sexton.*) I am concerned with disbursements at present?—As to disbursements from the 31st July to the 8th October.

98,097. With regard to the period from the 16th October 1880, the foundation of the Land League, to the 4th February 1881, for which you have no books, were you present in Court when it was testified that the books for that period up to April 1881 were taken to Paris and not brought back?—I heard that stated, but notwithstanding that book, No. 1 does relate to the commencement of that period.

98,098. (*Sir Henry James.*) 1879?—1879.

98,099. (*Mr. Sexton.*) How much of that period?—Down to the 16th October, it includes that in the particular account.

98,100. I am speaking of the period from the 16th October to the 4th February of the following year?—Yes.

98,101. Is any of that period covered by the book to which you now refer?—Not as regards No. 1, or the organisation account of the League.

98,102. Then for that period with regard to the organisation of the League you have no accounts?—None whatever.

98,103. Assuming the evidence in Court to be true, any moneys expended in that period, which you call unaccounted for, that conclusion you come to that they are unaccounted for simply means that you have no books for that period?—Precisely. I say that they are not accounted for by the books produced to us.

98,104. The books produced to you do not refer to that period at all?—Precisely.

98,105. The moneys are unaccounted for because you have no books?—Precisely: that is to say, quite strictly speaking, the money is unaccounted for because that portion of the books which related to the organisation account is stopped off at an earlier date from the remainder of the book. The relief account is continued right down to February in that book, but No. 1 account is stopped off.

98,106. And also I think the books of that character covering a period which you have investigated do not exist during the period in question?—They are not among these D 1 to D 4, that is all I know.

98,107. You did not see them at all events?—Precisely.

98,108. From that period of the 16th October 1880 to the 4th February 1881, in regard to which you have no account of the League before you, you did examine the bank books of that period?—Oh, certainly.

98,109. Did you as an expert observe in the bank books for that period, in the complexion of the account, the succession of the cheques for instance their number, and their relative amounts anything suggesting to you a difference in the ordinary transactions of the business of the League between that period and the period for which you had the books of the League?—Yes, it so happened that just during that period were drawn the large sums amounting to 11,000*l* odd that were paid into the account of Thomas Breen, No. 2, Sackville Street Branch, and several other items. I am speaking from memory, 2,000*l.*, 3,000*l.*, and 1,000*l.* drawn at the end of January just before the book D 4 commences, which were large round sums, and which it was not usual to find unless those round sums could be traced crossed into some other series of accounts we were examining.

98,110. With regard to the Thomas Breen No. 2 account, you have heard the evidence of Mr. Breen?—I heard it.

98,111. Is there anything in the Thomas Breen No. 2 account to lead you to question the evidence that that amount was composed of three transfers from the Land League account and three cheques drawn out by Mr. Breen for investment in bonds?—No, there is no means of seeing. The account affords no explanation except the number of entries.

98,112. (*The Attorney-General.*) Those have been included?—Those are taken as accounted for in the figures I have taken.

98,113. (*Mr. Sexton.*) You regard the 1,100*l.* odd in Thomas Breen No. 2 as accounted for?—Certainly, if you analyse the figures. I stated the total items during that period amount to 20,196*l.* 16*s.* 1*d.* The amount I have treated as unaccounted is 8,095*l.* 10*s.* 1*d.*, and these I have treated as unaccounted for in Breen No. 2, and any others I could trace into no other banking account open at the time, as being accounted for.



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

98,114. There is nothing in the Thomas Breen No. 2 account to lead you to doubt the accuracy of the evidence that that money was transferred from the Land League account and used by Breen in the purchase of securities?—No, there is not.

98,115. Now, with regard to the second period, for that you have no account, the 30th July 1881 to the 8th October 1881?—Yes.

98,116. I think you heard the evidence of Mr. Moloney, that he found the books had not been written up after the departure of Mr. Egan to Paris; that he himself wrote them up from February to July, and then the break occurred?—Yes.

98,117. That is the break to which you referred?—That is the break.

98,118. A little over two months?—Yes, two months and one week.

98,119. And the money expended by the Land League in that period you treat as unaccounted for?—No, I do not, 11,398*l.*, I beg your pardon 11,389*l.* 5*s.* 7*d.* is the total amount of the payment, and I treat as unaccounted for 8,351*l.* 19*s.* 5*d.*

98,120. How do you find the balance accounted for?—I have been able from inspecting the bank account to detect what was the nature of the expenditure of certain items, and I have deducted them from the total I treated as unaccounted for. I can give you the items if you wish.

98,121. I do not think I need trouble you?—They are chiefly payments to the Ladies, Land League and O'Brien and Kenny already mentioned.

98,122. The point I wish to arrive at is this: so far as you treat any moneys expended by the Land League, or presumed to have been expended, no doubt by the Land League, as unaccounted for, you so treat them because you have no books before you?—Yes, because I have no account of the expenditure. I have in the transcript of the bank account the figures that so much money was paid, and I have no particulars of the payees, that is what I call unaccounted for by that book.

98,123. In despite of the circumstances that you had no book of that period before you, you were able to ascertain by that means that 3,000*l.* was accounted for?—Yes.

98,124. But owing to the absence of the books you were not able to account for the other 8,000*l.*?—That is so, 3,037*l.* 6*s.* 2*d.*

98,125. You said in your evidence yesterday, I find the total amount of money unaccounted for of the Land League, 16,047*l.*?—Yes.

98,126. So that the sum of 16,000*l.* odd is probably unaccounted for by the circumstances that you had no books before you for these two periods from October 1880 to February 1881, and July to October 1881?—Yes. That sum consists of the total of the two figures. I have given you 8,095*l.* 10*s.* 1*d.* for the first gap, if I may so call it, and 8,351*l.* 19*s.* 5*d.* for the second gap. These two make up 16,047*l.*

98,127. Then we come simply to this, that the sum of 16,000*l.*, said to have been unaccounted for, of the moneys of the Land League is due to the fact of which we have evidence, that the books were taken to Paris in February 1881, and not brought back; and that the books of which Mr. Moloney spoke were not entered up were not before you?—Precisely, due to the fact that the books I have seen give no account of the manner in which this money was expended.

98,128. The account of the expenditure of the money was not before you?—Just so.

98,129. Generally speaking, the amount referable to these two periods did not differ materially from the ordinary amount expended as to which you had accounts?—Except in regard to the explanation I have already given you of payments appearing in the first gap—these round cheques for 3,000*l.*, 2,000*l.*, and 1,000*l.*, which I could not trace into any other bank account existing at the time, and Breen No. 2, which was out of the ordinary course.

98,130. Do I understand you now to refer to both receipts and disbursements with regard to the large cheques?—Which cheques? Cheques drawn out of the account?

98,131. Were they drawn out. What was the total amount?—These particular cheques I referred to were three in number.

98,132. (*The President.*) 3,000*l.*, 2,000*l.*, and 1,000*l.* in round numbers, he said?—I will give you the exact amount. I have a transcript here.

98,133. (*Mr. Sexton.*) I think they were in round numbers?—The principal payment in the month of January and the first four days of February 1881 consist of 200*l.* paid to Mr. Breen's account by Mr. Pat Egan. A cheque for 375*l.* Then another small one. Then 3,000*l.* on the 26th January; another small one; 2,000*l.* on the 3rd February; 1,000*l.* on the same date, the next cheque, and 300*l.* on the same date.



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

98,134. (*Mr. Sexton.*) These three amounts, 3,000*l.*, 2,000*l.*, and 1,000*l.*, are the amounts to which you called attention to?—Yes.

98,135. (*The President.*) The same observation, I think, applies also to the others, but you referred to them particularly because they are not so large?—These are the salient amounts which, in answer to Mr. Sexton's question, I stated that large sums of this sort are unusual in the accounts at the other periods.

98,136. (*Mr. Sexton.*) Do you happen to be aware that at that precise period the executive of the Land League, in consequence of the introduction of a special Act of Parliament, were obliged to go to Paris to secure the funds lodged there?—I have heard that stated.

98,137. Would it occur to you as strange when the transfer of the funds to Paris took place that these funds were taken out, and that they were taken out in Breen No. 2 account?—No, it would not.

98,138. Now with regard to the Ladies' Land League you said in your evidence yesterday in the Ladies' Land League account there is a sum of 75,736*l.* odd unaccounted for. Is not that a general phrase for the amount administered by the Ladies' Land League for the whole of their existence?—Precisely. I showed how it was made up, I stated yesterday how that sum is arrived at. It is unaccounted for by these books, inasmuch as these books have nothing to do with that expenditure, save to record how from time to time cheques drawn on the organisation account of the Land League and on the relief fund account were paid to the credit of the Ladies' Land League. But these books themselves do not purport to record the expenditure of the Ladies' Land League. The reason why it is here, is that that expenditure was going on at the same time during which the book D 3 accounts for the Land League expenditure.

98,139. May I take it then, that whilst the bank books concerning the Ladies' Land League show the total receipts, and show that the total receipts were expended, you have had absolutely no account books which enable you to see that any of that money disbursed in the Ladies' Land League was accounted for?—Precisely, only as I stated yesterday on the same date I have identified some payments of cross entries in this Land League account. I can identify 1,435*l.* 3*s.* 7*d.* of the expenditure of the Ladies' Land League; to that extent of course the bank account does account for the disposal of the money.

98,140. To that extent the bank account was supported by other evidence?—To that extent the bank account itself, on comparison with the other accounts, accounts for the disposal of the money—the expenditure with which it accords.

98,141. By reference to the other accounts?—By reference to the other accounts I can trace the payment of cheques drawn on that account as paid into the credit of another, and there are large sums, for instance, the amount paid for cheque books during that period came to 30*l.* To that extent the bank account explains itself.

98,142. With the exception of that comparatively small item of 1,000*l.* out of a total of 77,000*l.* administered by the Ladies' Land League you find the balance of 75,000*l.* unaccounted for, but no doubt for the sufficient reason that the books of the Land League were not before you?—Precisely.

98,143. That is, I conclude, out of the total of 93,000*l.* which you describe as unaccounted for 16,000*l.* is due to the circumstance that for two periods in the history of the Land League, owing to circumstances, the books were either not before their Lordships or not entered up, and for the whole of the period of the Ladies' Land League no books were before you?—No.

98,144. That is the reason why you suggest the money was not accounted for?—Yes.

98,145. Do you suggest from your examination as an expert of the books and of the accounts of the Land League and National League before you, that any part of the money was misappropriated?—I do not suggest so at all. The accounts afford no evidence either way.

(*The President.*) That is not the point. Nobody suggests it was misappropriated, but it was appropriated to Land League purposes, and then the inquiry is how that was expended.

(*Mr. Sexton.*) I should not put the question at all if I were only dealing with your Lordship, but the public, of course, will take cognizance of the inquiry.



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

## Re-examined by the ATTORNEY-GENERAL.

98,146. You approached this question from an accountant's point of view, and an accountant's point of view only?—Yes.

98,147. I wish to ask one question about the National League. You did not yourself apply for cheque books or cheques?—Yes.

98,148. In connexion with the National League?—No.

98,149. But had you any submitted to you?—No.

98,150. Whatever demand was made was made by Mr. Soames?—Precisely.

98,151. Now what I want to know is this: it is perfectly true, as I understand you to say, that the books show payments, but supposing 100*l.* or 150*l.* went to any individual down in the country, or anywhere else, was there anything in the National League books to show how that money was expended? what its ultimate mode of expenditure was?—No.

98,152. Simply the name of the person?—In the National League books you would get a reference to the minute book where that would be referred to as on account, but the details of how the payees spent the money would not appear in the record I saw.

98,153. Or any record in the books as to the actual way the money was expended?—No.

98,154. Speaking of it as vouchers, I understood you to say to Mr. Sexton it was not vouched in the ordinary way?—Precisely; there was no account showing the disposal of the money.

98,155. Now, I want to get clear from you one or two matters in reference to the Land League. In the first place as to this 16,000*l.* Is that excluding the 9,884*l.* you gave this morning or in addition?—No, the 9,900*l.* I spoke of is in addition to this.

98,156. There again, you have got the name of the individual, or the name of the place, but no particulars to which the money was applied?—Precisely, merely the name.

98,157. In reference to the 16,000*l.*, beyond the number of the cheque in the bank account, have you any information of any kind at all?—None whatever.

98,158. I think you have already stated the number of the cheque. Was there a relief account being conducted right through that book D 1 over the period to which you have referred?—Yes, the relief account continued in book D 1 not only down to the 4th February, the date of which D 4 was opened, but also contained a number of entries of cheques lodged the 23rd March which appeared again in D 4.

(*The Attorney-General.*) My Lords, in the course of the questions put by us to several of the witnesses we referred to some parliamentary returns; and I am not sure that the actual particulars of those returns, the parliamentary returns, have been given to your Lordships. I would now hand in a complete set of the parliamentary returns to Mr. Cunninghame so that copies may be provided, in order that when we come to refer to the figures of actual crimes your Lordships may have the documents before you. I think we can get copies. If we cannot, of course it must be printed for the purpose, but they can probably be provided.

(*Mr. Cunninghame.*) Am I to get them re-printed?

(*The President.*) Oh, no.

(*The Attorney-General.*) I do not think it is necessary at the present time.

(*The President.*) Do they show where they have been referred to in the course of the evidence?

(*The Attorney-General.*) They do not yet.

(*The President.*) You say they have been referred to in the course of the evidence. What I want is if you or if one of your juniors could say where they have been referred to, in order that we may see in what connexion they come, it would be a great convenience.

(*The Attorney-General.*) A good many of them were alluded to in Sir Charles Russell's opening speech.

(*The President.*) I put this question on account of the position of things. At present if Mr. Lewis—

(*The Attorney-General.*) They are simply parliamentary returns, nothing but that. I am not putting anything else in.

(*The President.*) No, but suppose there had been no reference to them at all.



25 July 1889.]

MR. HARDCASTLE.

[Continued.]

(*Mr. Sexton.*) If the Attorney-General means to convey to your Lordships that the parliamentary returns as such have an infallible character, there is no more doubtful kind of evidence.

(*The President.*) No. It is certain that throughout the whole of the case both parties have treated the parliamentary returns—indeed, we have gone further than that, official returns—as admissible in evidence. They are public documents; it is upon that ground they were admitted.

(*The Attorney-General.*) I stated before that I should have to produce certain Government returns, and these are the very returns referred to by Sir Charles Russell and Mr. Reid. These are the very returns. I am not able to give your Lordship the exact pages at the present time, but I am quite sure I shall be able to point it out to your Lordships. I ought also to point out that there are one or two additions made in ink there which ought to be struck out; they were made for observation at the time; they will not be before your Lordships when the copies are supplied. I will give Mr. Sexton a copy of the list.

(*Mr. Sexton.*) My parliamentary experience leads me to say that these parliamentary returns are issued from time to time for the purpose of prejudicing the view we entertain with regard to Irish matters, and I should regard them with very great reluctance. I should like to mention one other matter, and that is, Mr. Soames promised, while we were still represented before your Lordships, to hand in a complete list of the moneys paid by him to persons subpoenaed by him as witnesses. I think it would be valuable if the list were in our hands.

(*The Attorney-General.*) Of course, any question put to Mr. Soames in the ordinary way he will answer. Mr. Soames has referred himself to the fact that there was a correspondence on the part of Mr. Reid and himself. Mr. Reid, if he had been still in Court, had he been pleased to ask Mr. Soames any question, might have done so.

(*The President.*) It is suggested this was promised.

(*The Attorney-General.*) No, my Lord, that is not so. Mr. Soames will answer any question with regard to any specific matter, or as to any specific witness, but there was no promise made, and it would be beyond what anybody was entitled to have a statement made as to the expenses, or as to any amount of payment made generally to witnesses.

(*The President.*) Do you wish to put any question to Mr. Soames?

(*The Attorney-General.*) Mr. Soames said if he went into the box he would answer any questions that might be put to him.

(*Mr. Justice A. L. Smith.*) It was put to Mr. Soames by Sir Charles Russell in his cross-examination, and Mr. Soames said he had not the book here then; there was a question in reference to it.

(*Mr. Sexton.*) What I want, my Lord, is a list of the payments to the witnesses. Unless he produces the list his presence in the box would be of no effect.

(*The Attorney-General.*) I say at once that there was no promise to produce any list; but, of course, if any question is raised Mr. Soames is prepared to answer any question in the witness box.

(*The President.*) That is the only way I can deal with it; if you wish to put any questions Mr. Soames will go into the box and answer them.

(*Mr. Biggar.*) What occurred was this: that Mr. Soames stated to Mr. Reid that this document should be given, and Mr. Reid appealed to your Lordship on the subject that he would like to have this document, and your Lordship said he was then too late, because he had ceased to be counsel in the case. Of course Mr. Soames, if he chooses, may refuse to fulfil his promise, but certainly there can be nothing more clear than the promise that Mr. Soames gave to supply the information. And of course the Attorney-General's offer is of no value whatever, because Mr. Soames, in this regard, can give any explanation he pleases.

(*The Attorney-General.*) I say again that Mr. Soames will go into the box, and give any explanation, and answer any question as to any of the witnesses, or all the witnesses that either of the parties may desire to put to him.

(*Mr. Sexton.*) I should say we would accept the list, either without explanation, or with such explanation as the Attorney-General or his colleagues desire to append to it.

(*The President.*) It is page 6003.

“(*The Attorney-General.*) I have no question, Mr. Soames.

“(*Sir C. Russell.*) My Lord, I wish to see that list of payments to witnesses.



25 July 1889.]

MR. HARDCASTLE.

[Continued.]

" (*The President.*) I have no observation to make. It will be produced or not produced.

" (*The Attorney-General.*) My friend can put any specific question to Mr. Soames. If he has any question with respect to any particular witness, of course the question can be asked.

" (*Sir C. Russell.*) I call attention to the fact that Mr. Soames was asked for it before, and then said he would produce it.

" (*The President.*) Will you be kind enough to look into it before you renew the application and see how it stands.

" (*Sir C. Russell.*) I know my friend Mr. Reid's view is that he wishes it.

" (*The President.*) That is not quite the point. I mean as to what negotiation has been going on about it, and what the position is.

" (*Sir C. Russell.*) Certainly, my Lord ; I will refer to that at once.

" (*The Witness.*) This is the letter I wrote to Mr. Reid on the 4th April 1889, in reply to the one received from him.

" (*The Attorney-General.*) It had better be deferred.

" (*The Witness.*) My Lord, I am perfectly willing to bring my books and deposit them with the Secretary, if it is thought fit. I have nothing to conceal.

" (*The President.*) No ; but then that does not quite meet it. Sir Charles Russell asks for it to be produced in the ordinary way, in order that he may see it."

Well, I can do no more. I should add, though I should not have added it under other circumstance, I should add I do not consider the payment of witnesses, unless as I pointed out yesterday, they were more than is allowed by the scale. I do not consider it has any bearing, because unfortunately there must have been an enormous sum expended on both sides to keep witnesses here.

(*Mr. Sexton.*) Not on our side.

(*The President.*) I am very glad to hear it. I thought there had been a very large expenditure on both sides.

(*The Attorney-General.*) May I ask whether any communication has been received in reference to the return of crime for the 10 years prior to 1879?

(*The President.*) Yes, I believe there has. The exact terms I do not know.

(*The Attorney-General.*) I should be glad to have a copy of it some time.

(*The Secretary.*) Shall I read the letter?

(*The President.*) Yes.

(*The Secretary.*) It is a letter from Mr. West Ridgway, from the Under Secretary, Dublin Castle.

29th June 1889.

" SIR,

" WITH reference to your letter of the 27th instant, asking for a return of outrages for the 10 years from 1869 to 1878, similar to those from the 10 years from 1879 to 1888 already forwarded, I am directed by the Lords Justices to state, for the information of the Special Commissioners, that the return already forwarded was compiled from the 'County Registers of Crime.' And that as these registers were only started in the year 1878, similar means of preparing the further returns for the earlier years are unavailable. It may, however, be possible, at the expense of much time and labour, to collect materials from other scattered official sources of information of the particulars, and compile them in the same shape as the previous return, and this will at once be done if their Lordships intimate that it is their wish that the task should be undertaken. Meantime the required returns for 1878 will be prepared from the County Registers of that year, and will be submitted with the least possible delay.

" I am, Sir,

" Your obedient servant,

" WEST RIDGWAY."

That return has been received, and I communicated with Sir Charles Russell, telling him the contents of the letter, and he stated he would let me know again, but he did not think they would be justified in requiring the expenditure of that time and labour.

(*The Attorney-General.*) 1878 is before the Court.

(*The Secretary.*) Yes, it has just been received.



25 July 1889.]

Mr. HARDCASTLE.

[Continued.]

(Mr. Sexton.) I would ask if any official returns have been put in evidence relating to the crime in Ireland during the period of the tithe conflict, that is 1835, and during the period of the famine in 1846.

(The Attorney-General.) In regard to the tithe conflict I think I can say I remember no return to which reference has been made. A reference was made which I did not object to. There were some passages in Sir George Cornwall Lewis's books we were quite willing should be referred to, and we, ourselves, propose to refer to it. With reference to the famine period, that in 1846, I believe there are some returns before the Court.

(Mr. Sexton.) Your Lordship was so good as to indicate that I might put a question to Mr. Soames on the subject of the list?

(The President.) Yes.

(Mr. Sexton.) I should desire to do so.

(The President.) Very well.

Mr. JOSEPH SOAMES re-called; further cross-examined by Mr. SEXTON.

98,159. What is the total amount that you have paid persons whom you have examined or intended to examine as witnesses since the beginning of this case?—I have not the slightest idea.

98,160. Can you give the Court any approximate notion?—No, indeed I will not, I have had cheques from time to time, and I have disbursed them generally for the purposes of the Commission. I can neither tell you the total sum I have received, nor the total sum I have disbursed, but it is a very large sum.

98,161. Have you kept no memorandum or account?—I have kept a strict account, but you are asking me to tell you from my recollection the expenditure extending over 12 months or more.

98,162. Have you never added up your account?—I daresay my accountant has from time to time, but I have not. I have never seen it. I keep a regular accountant who keeps the accounts. In fact, I keep two, who keep the accounts of my office.

98,163. Have you been so incurious as not to ask the accountant at any time what you have spent?—I do not undertake the financial part of my office at all. My partner, Mr. Edwards, undertakes the financial part.

98,164. You draw the cheques?—No, Mr. Edwards, as a rule, draws the cheques.

98,165. You sign them?—No, I occasionally sign the cheques, but very few indeed.

98,166. Have you spent 40,000l.?—In the Commission?

98,167. On the witnesses?—I cannot tell you at all what I have spent on the witnesses.

98,168. 50,000l.?—I cannot give you any other answer than I have given you already. I have spent a large sum.

98,169. You are an excellent man of business, I have no doubt. Can you go within 10,000l.?—I cannot.

98,170. Have you any objection to make it up and let me know?—The total expenditure?

98,171. Yes?—I do not really see why I should give you the total expenditure. I have had no offer on your side to give it to me.

98,172. We have no objection to give it to you. Certainly, if you will give it to us we shall be willing to give it to you?—I cannot give you the total expenditure of the costs of this Commission to us until the total costs is ascertained.

98,173. I ask you simply for witnesses, and I suggest to you, if you will allow me, that it is necessary for us or for the Court to have that total at least, without individual payments, in order to enable the Court and ourselves to arrive at a conclusion upon the point indicated by his Lordship, the President, just now, namely, whether the payments to witnesses have exceeded the scale?—I should object to give any particulars or any gross sum unless I were here to explain the reasons of the payment, and I will give you a reason why. One of the witnesses I called here, Levy, I paid at a very low rate indeed, but representations were made to me from Scotland Yard that that man's life was threatened in consequence of having given evidence in the box, and I have had to provide for him. His life was in imminent danger. I had to provide for him within three hours. I may tell you at once the only gentleman that I have paid beyond three guineas a day was Mr. Loudon.



25 July 1889.]

MR. JOSEPH SOAMES.

[Continued.]

98,174. You have made an ingenious observation, but one which is absolutely pointless. May I ask you how the giving simply of the figure of the gross amount paid to witnesses could prejudice the case of anybody?—As I know political capital would be made out of the expenditure of the money. Without my saying the total number of witnesses I had, what their position was, and the rate that I paid those particular witnesses, it would be magnified, and it would be said that I have been paying a number of small people at a very large rate on purpose to get them to give evidence.

98,175. But, Mr. Soames, political capital, as you well know, is sometimes made out of falsehood?—Yes.

98,176. Why should you object to its being made out of the truth?—Because you cannot get the truth without the details and explanations given in the box.

98,177. Well, I leave to the appreciation of their Lordships your refusal to give the gross sum.

(*The Attorney-General.*) I have no question, Mr. Soames. I do not propose to tender any further evidence to your Lordships.

(*Mr. Sexton.*) Mr. Lewis, my Lord, is prepared to submit to the Court the relative information on our side, the gross sum paid.

(*The President.*) I have already indicated that I consider it quite immaterial. Now, in the ordinary course of things, it would be for the persons charged to sum up. Do you desire to do so, Mr. Sexton.

(*Mr. Sexton.*) We had no idea, my Lords, until this morning that the case would reach that stage to-day. In our somewhat derelict condition I should require the opportunity of conferring with my colleagues.

(*The President.*) I think that is a sufficient reason.

(*Sir H. James.*) Before Mr. Sexton confers with his colleagues perhaps your Lordship will allow me to make a statement as to the position we are now placed in and the course I and my colleagues think it desirable to take. My friend, the Attorney-General, has made the request to me to reply in this case on the part of the "Times," and, I regret to say, I felt it my duty to comply with that request. Therefore it is I wish to mention the position we are in with relation to that reply. My Lord, may I remind you that this is, I think, the 112th day of this inquiry. The questions and answers have amounted, I think, to approximately 100,000 in number, and to such oral evidence must be added a very large mass of documentary evidence, proof of speeches made, and returns which have been put in, and letters which have been read, and other material matter bearing upon the inquiry before your Lordships. My Lord, of course, the primary duty of whoever had to reply in this case would be to collate and arrange such evidence as has been placed before this Commission, and I say it would be a primary duty to endeavour to render assistance to this Commission, particularly in respect to the collation and arrangement of such testimony. My Lord, of course, under any circumstances, it would be scarcely possible for the reply to be made immediately upon the conclusion of the evidence so given; but in this case there are special circumstances which would have rendered it very difficult for the counsel who has to reply to immediately engage upon that task. It was only on Tuesday in last week that we learned that that course which we naturally expected would be taken would not be taken, I mean the course of calling further evidence that had been mentioned as being likely to be called, and we also expected that the counsel who appeared for those I will term the respondents would address your Lordships, which of course would have occupied considerable time. My Lord, not being so informed, and therefore being perhaps not quite so much prepared as we should have been from our labours from day to day in that collation, we now find ourselves on the 25th of July with this mass of matter before us as the subject matter of reply.

My Lord, my own judgment as to what time would be required for the purpose of arrangement and collation I should not like entirely to rely upon; and, therefore, I am glad I can refer to the course which was taken by my learned friend Sir Charles Russell in respect to the performance of a duty that was similar to that which I shall now have to perform. Your Lordships will recollect, probably, that my learned friend Sir Charles Russell upon the 13th of March, when the case on the part of the "Times" came to an end, stated that he required a certain time for the purpose of collating and arranging the evidence which had then been given. He stated that the interval that he required for that purpose would be represented by some 20 days, and



25 July 1889.]

SIR H. JAMES.

[Continued.]

he asked for an adjournment from the 13th March until the 2nd of April, and adjourning till the 2nd of April my friend concluded his reply upon the 12th of April. Now, my Lord, since that application for adjournment was made, of course, my learned friend's speech—if I may say so, his most able speech, requiring reply—has been delivered to you. 40,000 questions and answers have also in this Court been asked and given. A large amount of documentary evidence has also been put before you, and now, my Lord, I have that great mass of material which I have already referred to to deal with, a great portion of which has been given in evidence since my learned friend's adjournment for the time I mentioned.

Now, my Lord, under those circumstances I have to see, with that example before me, what is the course which ought to be taken. My Lord, if I took, with no increased interval on account of increased matter, the same adjournment as my friend took, an adjournment which met with your Lordships' approval, I should have to ask your Lordship to adjourn till the 14th of August. Occupying the same time for making the speech as my learned friend took, my labours would conclude on or about the 24th of August. Now, my Lord, we have had to consider whether it is right that I should apply to your Lordship for that adjournment, an adjournment, as I say, which would bring us to meet again on the 14th of August, the Court probably rising on the 24th August. My Lord, if there were great public interests to be served by bringing this case immediately to a close, such as if your Lordships had to report to Parliament within a certain time, we certainly should have asked your Lordship's directions on the point; but inasmuch as, under any circumstances, your Lordship's report, which I treat as a report at large, to Parliament, could not be published during the sitting of Parliament, I ask your Lordships whether it is within the sacrifice that ought to be made, for us to adjourn over the period I have mentioned, which would cause this Court not to rise till the 24th of August. There was another course to take, which would have been to ask for your Lordship's directions and wishes, and to ask for those only. I can only say my friends and myself would be, of course, most desirous to follow, and follow most implicitly, your Lordship's directions and wishes; but, I think, the responsibility of the application ought to rest upon us. Therefore, my Lord, considering that, following the Statute, all our courts rise on the 12th August, and, following the course which would be taken in this tribunal, the last day on which we could sit here would be the 9th of August, we have had to consider whether we ought to ask for an extension of the sittings of this tribunal for more than a fortnight beyond the ordinary period. The conclusion we have arrived at is, that with relation to the public interests, and the proper arrangement and collation of this case, to apply to your Lordships that you should hear the reply after the long vacation, upon the courts re-assembling again, is the proper course to take in the interests of the full inquiry, and I do not see that that application could in any way interfere with public interests. I mention this before Mr. Sexton makes any application for the adjournment he would require in order to consult his colleagues.

(*The President.*) Have you any observation to make, Mr. Sexton.

(*Mr. Sexton.*) I do not find myself, my Lord, in a condition to offer any suggestion or intimation on the speech of Sir Henry James. I should, myself, prefer that Sir Henry James should proceed, and that the inquiry should be brought to a conclusion, but, as I say, I am not in a condition to offer any suggestion authoritatively, as representing the respondents in the case. I should say, however, that if your Lordships are pleased to assent to the proposal submitted to you by Sir Henry James, I hope your Lordships would think it proper to reserve our right, upon the resumption the sittings of the Court, to sum up the evidence.

(*The President.*) Oh, I think that is quite reasonable. Do you wish to make any observation, Mr. Biggar? I think you are the only person not represented.

(*Mr. Biggar.*) No, my Lord.

(*The President.*) I need scarcely say that, so far as we are concerned, it would have been a very great relief to us to have felt that this matter had been brought to a conclusion, with the exception of the report which we have to make. But I think that the reasons which have been urged by Sir Henry James justify our acceding to his request. Therefore the speeches on the one side and on the other (because I think the



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25 July 1889.]

SIR HENRY JAMES.

[Continued.]

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application made by Mr. Sexton is perfectly reasonable) will be reserved until after the long vacation.

Now, the question is, on what particular day we should meet. We will say on the first day of the sittings.

(*Mr. Sexton.*) Do I understand the evidence on both sides is closed?

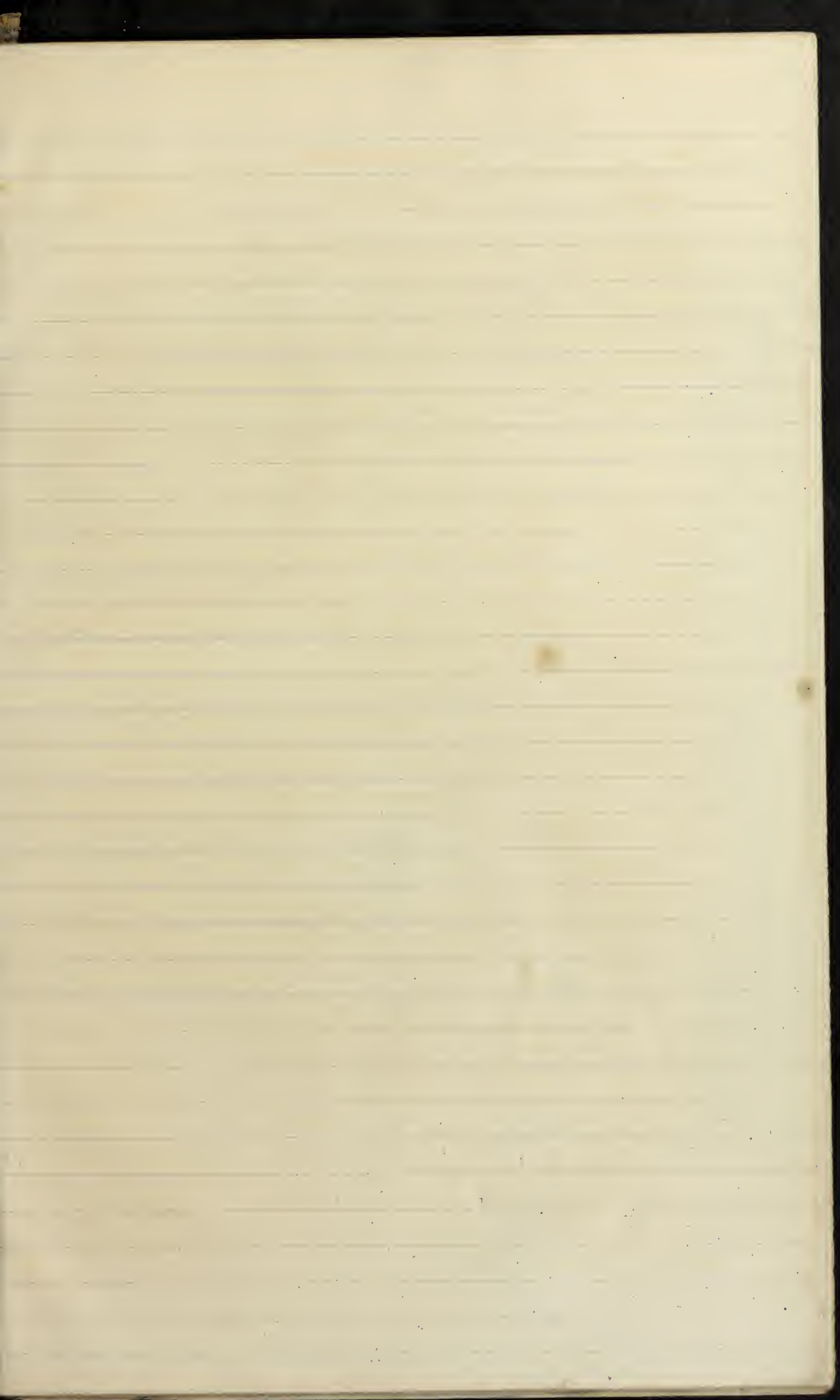
(*The President.*) So far as I have any knowledge, it is closed. Of course, to be perfectly exact in the matter, it is not closed for us if we thought it necessary to call for any further evidence, and for a sufficient—which, I must also add, would be an exceptional—reason we should allow further evidence to be given; but I hope no one will be desirous of adding any further evidence.

(*The Attorney-General.*) Certainly, it is a most undesirable application to make, except on good grounds.

The Court adjourned till Thursday, 24th October.

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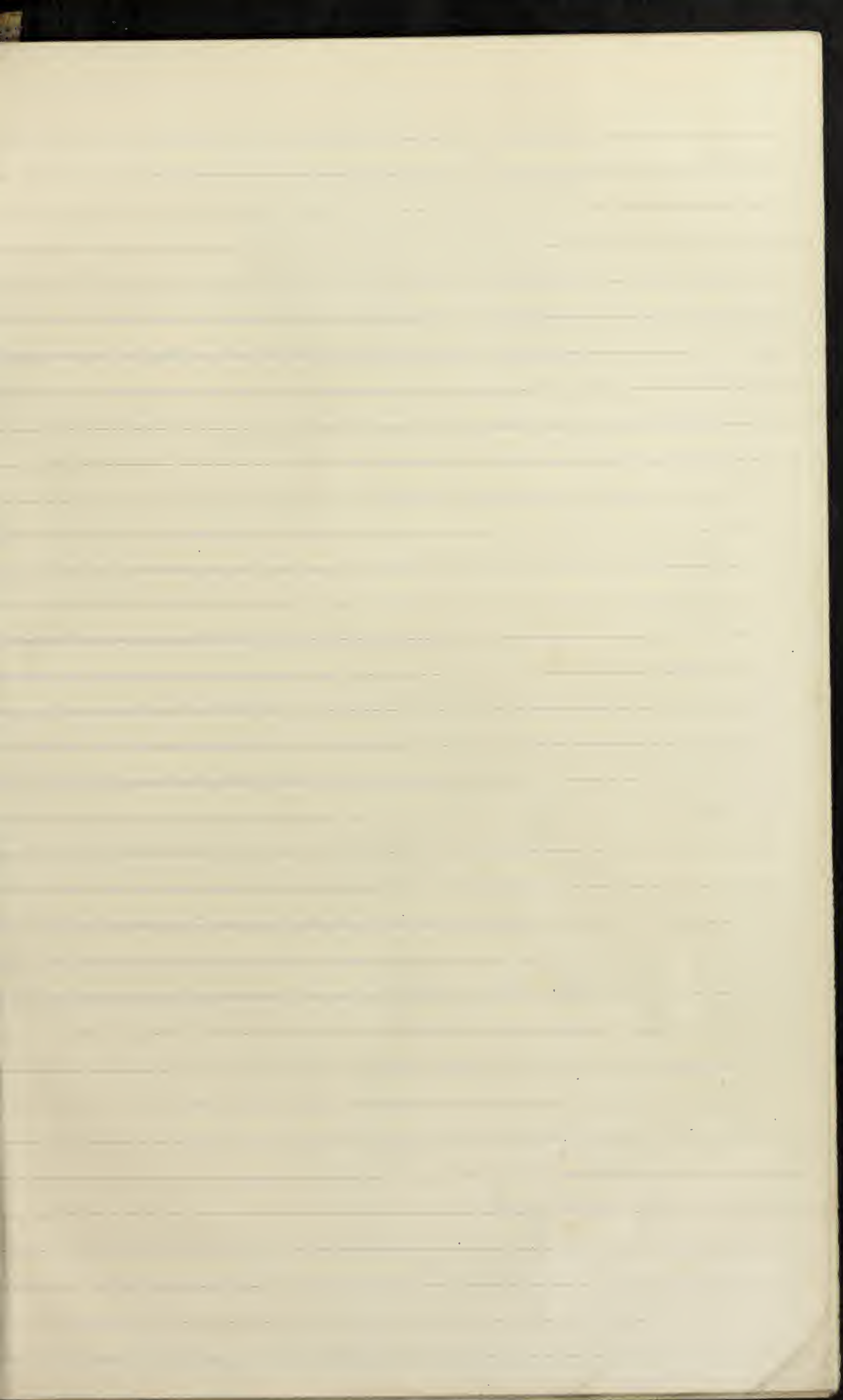








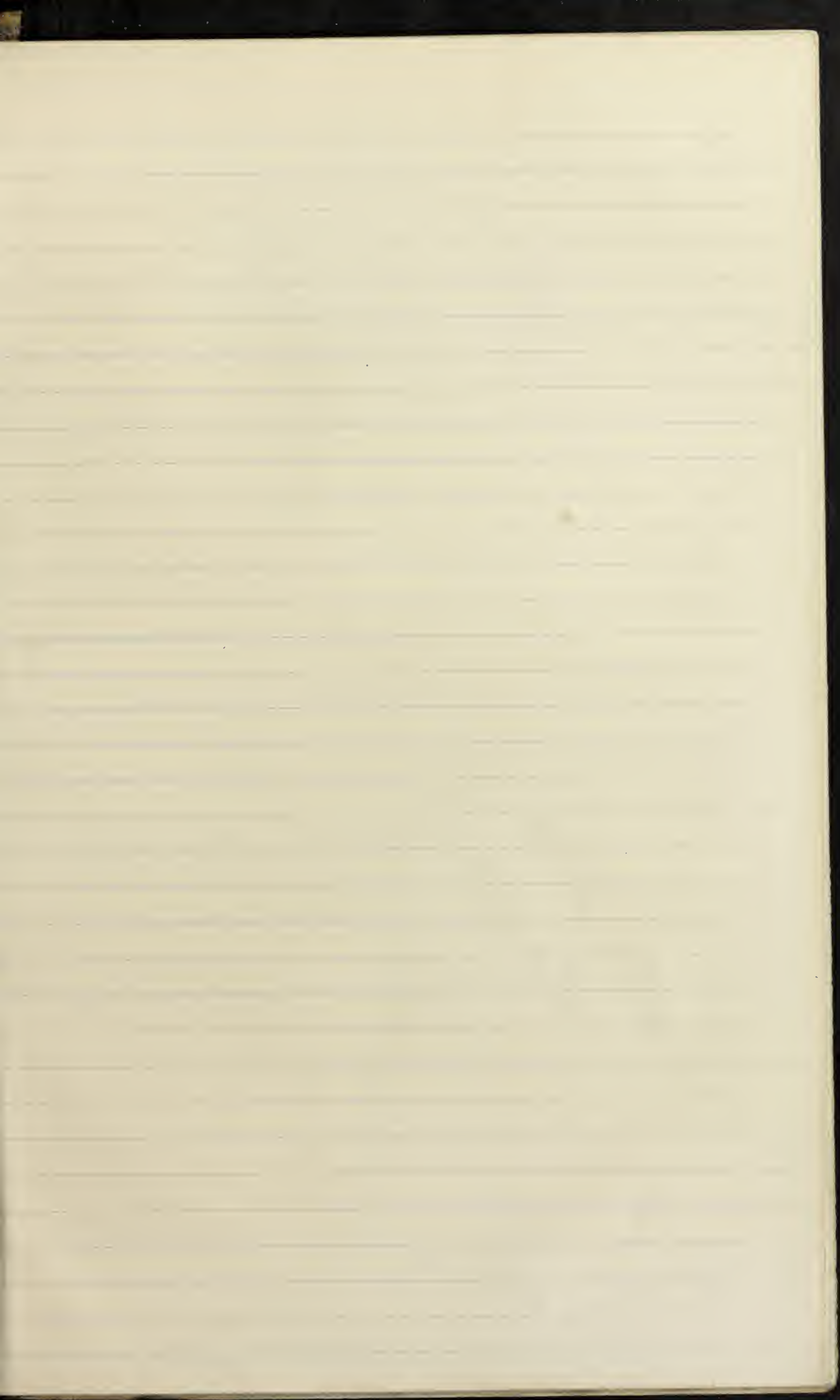
























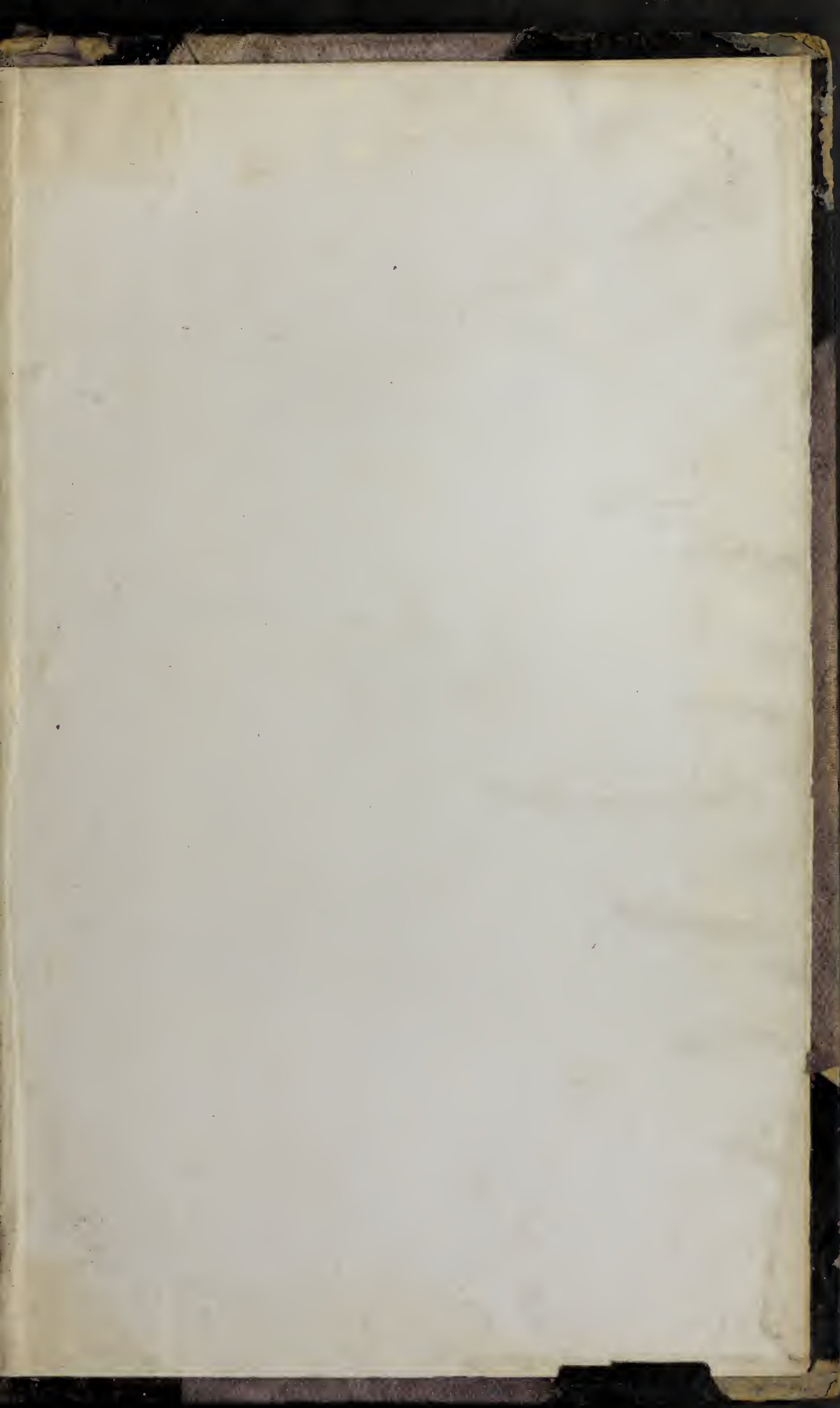






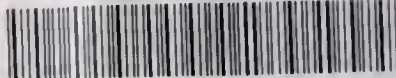








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